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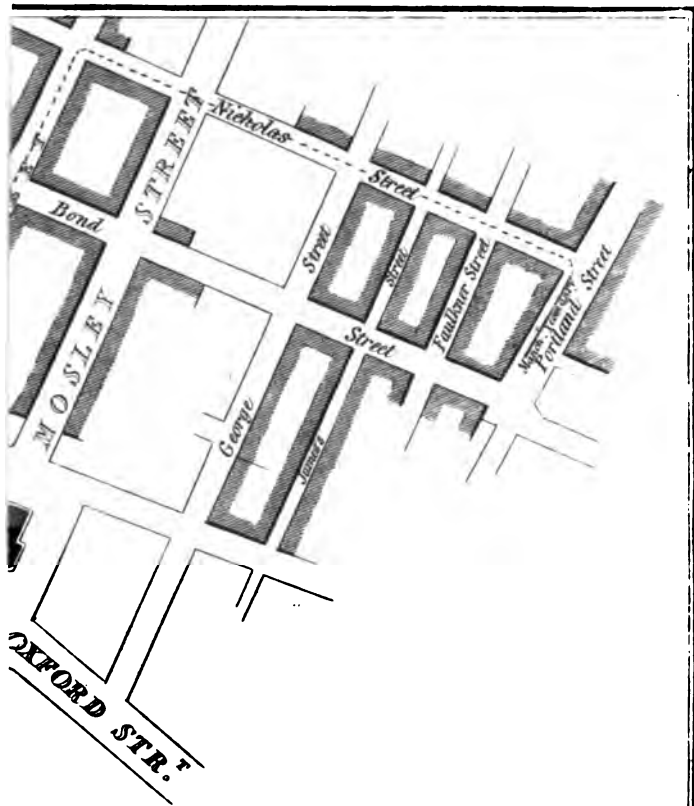
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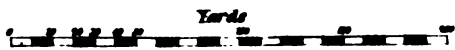
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A PLAN
OF
St. Peter's Field
IN THE TOWN OF
MANCHESTER.
With the Avenues leading thereto.



Printed by

REPORT
OF
THE PROCEEDINGS
IN THE CAUSE
Redford v. Birley and Others.

IN THE KING'S BENCH.

BETWEEN

THOMAS REDFORD, Plaintiff; and HUGH HORNEY BIRLEY, ALEXANDER OLIVER, RICHARD WITHERINGTON, and EDWARD MEAGHER, Defendants.

FOR

An Assault on the 16th. of August, 1819.

REPORT

OF

THE PROCEEDINGS

ON THE

Trial of this Cause at Lancaster,

On THURSDAY the 4th., FRIDAY the 5th., SATURDAY the 6th., MONDAY the 8th.,
and TUESDAY the 9th. days of APRIL, 1822;

Before Mr. JUSTICE HOLROYD and a SPECIAL JURY;

AND THE

JUDGMENT

OF THE

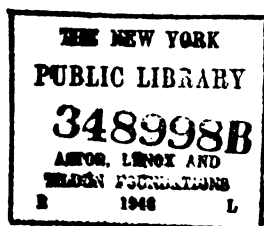
Court of King's Bench in Easter Term following,

Upon an application on the part of the Plaintiff, for a Rule to shew Cause why a NEW TRIAL should not be granted.

TAKEN FROM THE SHORT-HAND NOTES OF
MR. FARQUHARSON.

MANCHESTER:

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Jos. Thakwell

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THE PLEADINGS.

In order that the application of the evidence may be clearly understood, the following abridged statement of the Pleadings is here introduced.

THE first Count of the Declaration alleged, that the defendants, on the 16th. day of August, A. D. 1819, with force and arms, at Manchester, in the county of Lancaster, assaulted the plaintiff, and with certain swords gave and struck the plaintiff a great many violent cuts and strokes on and about the shoulders; by means whereof the plaintiff was greatly hurt, wounded, and bruised, and became and was sick, sore, and disordered, and so remained and continued for the space of ten weeks; during all which time he suffered and underwent great pain, and was hindered and prevented from performing and transacting his necessary affairs and business, and obliged to expend the sum of £40 in endeavouring to be cured.

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The second count alleged, more generally, that the defendants, at the said time and place, assaulted, wounded, bruised, and ill-treated the plaintiff.

To this declaration the defendants pleaded

Firstly. That they were not guilty of the alleged trespasses. .

Secondly. That on the said 16th. day of August, the plaintiff, together with other malicious, seditious, and disaffected persons, to the number of 60,000 and more, being armed with stones, bludgeons, and other offensive weapons, unlawfully assembled together, and committed a riot and breach of the peace at Manchester; and that the defendants, seeing and observing the said riot and breach of the peace to be committed, upon their own view, requested the said plaintiff and the said other persons so assembled, to separate and disperse themselves; and that because the said plaintiff, and the said other persons so assembled together, would not, after being so requested, separate or disperse, or refrain from further breaking and disturbing the peace; and because the defendants could not otherwise restore public peace and tranquillity, or hinder the said plaintiff and the said other persons from further breaking the peace, the defendants justified (in the usual technical form) the committing the supposed trespasses, in order to restore the public peace, and to hinder and prevent the said plaintiff, and the said other persons so assembled, from further breaking and disturbing the peace.

Thirdly. That an unlawful and seditious conspiracy had been entered into, by divers wicked, seditious, and ill-disposed persons, to the number of 200,000 and more, for the purpose of moving and exciting discontent and disaffection in the minds of the liege subjects of his late Majesty, and for the purpose of moving and exciting the liege subjects of his said late Majesty to hatred and contempt of the Government and Constitution of the realm, as by law established; and by unlawful and seditious means, and by the wicked and malicious combination of great numbers of disaffected and seditious persons, to alter the Government and Constitution of this realm, as by law established: and that before the said 16th. day of August, A. D. 1819, divers of the said last mentioned ill-disposed, wicked, malicious, and seditious persons, to the number of 40,000 and more, had, in pursuance of the said combination and conspiracy, been clandestinely drilled and trained to the use of military weapons and arms: and that on the said 16th. day of August, divers of the said ill-disposed, wicked, malicious, and seditious subjects, in that plea first mentioned, to the number of 60,000 and more, of whom divers, to wit, 30,000 and more, had been so drilled and trained to the use of military weapons and arms as aforesaid, in pursuance of the said wicked combination and conspiracy, did unlawfully, maliciously, and seditiously meet and assemble together, armed with stones, blud-

geons, and other offensive weapons, with intent to pursue and carry into effect the said combination and conspiracy; and that in furtherance of the said combination and conspiracy, the said last mentioned persons did then and there publicly exhibit divers flags, banners and ensigns, bearing divers wicked, malicious, seditious, and inflammatory inscriptions and devices, calculated to move and excite disaffection in the minds of the liege subjects of his late Majesty, and to excite the liege subjects of his late Majesty to hatred and contempt of the Government and Constitution of this realm, as by law established. The plea further alleged, that the plaintiff was present at that unlawful meeting, and aiding and assisting there to carry the said combination and conspiracy into effect. That the defendants were lawfully present at that meeting, and endeavoured, as far as in them lay, to hinder the plaintiff and the other persons so assembled from further prosecuting their said combination and conspiracy, and requested the plaintiff and the other persons so assembled, to separate and disperse; and that the said plaintiff and the said other persons refused to separate and disperse. The defendants then proceeded to allege the laying hands, &c., on the plaintiff and the said other persons, in order to separate and disperse them; and to justify the supposed trespasses, because they could not otherwise preserve the public peace and tranquillity, and separate and

disperse the said plaintiff and others so assembled.

Fourthly. That the plaintiff and other ill-disposed and disaffected persons, to the number of 60,000 and more, armed with stones, bludgeons, and other offensive weapons, did, on the said 16th. day of August, unlawfully meet and assemble together at Manchester, in a tumultuous and menacing manner, to the great danger of the public peace, and to the great nuisance, terror, and alarm of the liege subjects of his said late Majesty, there, to wit, at Manchester, inhabiting, residing, and being; and that they remained and continued so met and assembled for a long space of time; whereby the liege subjects of his said late Majesty there residing, dwelling, and being, were put in great fear and terror, and whereby the public peace was greatly endangered. This plea also alleged that the defendants were present, and requested the plaintiff and others so assembled, to disperse; and a refusal on their part to disperse. The defendants then in this plea, proceeded to allege their laying hands, &c., on the plaintiff and the said other persons, in order to separate and disperse them; and to justify the supposed trespasses, because they could not otherwise preserve public peace, and could not otherwise separate and disperse the plaintiff and others so assembled.

Fifthly. That on the said 16th. day of August, at Manchester, the plaintiff, and other ill-disposed

and disaffected persons, to the number of 60,000 and more, being armed with stones, bludgeons, and other offensive weapons, did routously and unlawfully meet and assemble together, in a tumultuous, dangerous, and menacing manner, for the purpose of disturbing the public peace, and to the great nuisance, alarm, and terror, of the liege subjects of his said late Majesty, there, to wit, at Manchester, inhabiting, residing and being. The remainder of this plea was, in substance, the same with the corresponding part of the next preceding plea.

Sixthly. That on the said 16th. day of August, at Manchester, the plaintiff, together with divers other ill-disposed and disaffected persons, to the number of 60,000 and more, did unlawfully meet and assemble together, in a dangerous and menacing manner, to the great danger of the public peace; and did remain and continue so assembled, for a long space of time, whereby the public peace was greatly endangered. The remainder of this plea was, in substance, the same with the corresponding part of the fourth plea.

Seventhly. That on and before the said 16th. day of August, A. D. 1819, an unlawful, wicked, and seditious conspiracy had been entered into by divers wicked, malicious, seditious, and ill-disposed subjects of his said late Majesty, to the number of 200,000, and more, for the purpose of moving and exciting discontent and disaffection in the minds of the liege subjects of his said late Majesty, and for the purpose of moving and

exciting the liege subjects of his said late Majesty to hatred and contempt of the Government and Constitution of this realm, as by law established, and of causing and procuring great multitudes of the liege subjects of his said late Majesty, from time to time, to assemble and meet together for that purpose; and that before the said 16th. day of August, divers of the said last mentioned ill-disposed, wicked, malicious, and seditious persons, to the number of 40,000 and more, had been clandestinely trained and drilled to the use of military weapons and arms; and that on the said 16th. day of August, divers of the said subjects, in that place first mentioned, to the number of 60,000 and more, of whom divers, to wit, 30,000, had been so drilled and trained as last aforesaid, did, in pursuance of the said last mentioned conspiracy, with force and arms, at Manchester, unlawfully, maliciously, and seditiously meet and assemble together, armed with stones, bludgeons, and other offensive weapons, with intent to pursue and carry into effect the said last mentioned conspiracy; and that further to pursue and carry into effect the said last mentioned conspiracy, the said last mentioned subjects did publicly exhibit divers flags, banners, and ensigns, bearing divers wicked, malicious, seditious, and inflammatory inscriptions, and devices, calculated to move and excite disaffection in the minds of the liege subjects of his said late Majesty, and to move and excite the liege subjects of his said late Majesty to hatred and con-

tempt of the Government and Constitution of the realm, as by law established. The remainder of this plea was similar in substance to the corresponding part of the third plea.

Eighthly. That on the said 16th. day of August, at Manchester aforesaid, the said plaintiff, together with divers other malicious, seditious, disaffected, and ill-disposed persons, to the number of 60,000 and more, unlawfully and maliciously intending and devising to disturb the peace of his said late Majesty, unlawfully, maliciously, and seditiously did meet and assemble together, for the purpose of raising and exciting discontent and disaffection in the minds of the liege subjects of his said late Majesty, and for the purpose of moving and exciting the liege subjects of his said late Majesty to hatred and contempt of the Government and Constitution of this realm, as by law established; and did remain and continue so assembled for that purpose, for a long space of time. The remaining allegations in this plea were, in substance, similar to the corresponding ones in the fourth plea.

Ninthly. That the plaintiff and others committed a riot and breach of the peace (as before alleged in the second plea): and that thereupon Charles Wickstead Ethelston, Clerk, being one of the Justices of the Peace of his said late Majesty in and for the county of Lancaster, came as near as he safely could to the said plaintiff, and the said other persons so assembled to the disturbance of the peace, and made proclamation according to the

form of the statute in these words, "Our Sovereign
 " Lord the King chargeth and commandeth all
 " persons, being assembled, immediately to disperse
 " themselves, and peaceably to depart to their ha-
 " bitations, or to their lawful business, upon the
 " pains contained in the Act made in the first year
 " of King George for preventing tumults and riot-
 " ous assemblies; God save the King." The plea
 then alleged that the plaintiff and the said other
 persons so riotously assembled, notwithstanding the
 making such proclamation, unlawfully, riotously,
 and tumultuously remained and continued together,
 and did not disperse themselves; whereupon the
 defendants, being lawfully present, and seeing and
 observing the said riot, tumult, and disturbance
 of the peace committed within their own view, did
 then and there, after making the said proclamation,
 and in order to restore public peace, lay hands on
 the plaintiff, and the said other persons so assem-
 bled, &c. The defendants in this plea then pro-
 ceeded to justify the supposed trespasses, by reason
 of the premises in that plea alleged, and because
 they could not otherwise separate or disperse the
 said plaintiff and the said other persons so riot-
 ously assembled, and so continuing together and
 not dispersing.

Tenthly. That on the said 16th. day of August,
 at Manchester aforesaid, the said plaintiff, and one
 Henry Hunt, John Knight, Joseph Johnson, and
 — Moorhouse, together with divers malici-

ous, seditious, disaffected, and ill-disposed persons, to the number of 60,000 and more, unlawfully, riotously, routously, and tumultuously did assemble and meet together, to disturb the peace of his said late Majesty, armed with stones, bludgeons, and other offensive weapons; and did then and there make a great noise, riot, tumult, and disturbance; and that divers of the Justices of the Peace of his said late Majesty in and for the county of Lancaster, to wit, William Hulton, Esq., William Robert Hay, Clerk, Ralph Wright, Esq., Robert Feilden, Esq., Charles Wicksted Ethelston, Clerk, John Silvester, Esq., Thomas William Tatton, Esq., William Marriott, Esq., James Norris, Esq., and Ralph Fletcher, Esq., observing, upon their own view, the said riot to be committed, to the great disturbance of the public peace, and the great terror and alarm and common nuisance of the peaceable and well-disposed subjects of his said late Majesty, &c., issued their warrant, under their hands and seals, directed to the constables of the township of Manchester, in the county of Lancaster, and also to all other constables and peace-officers within the said county, for the apprehension of the said Henry Hunt, John Knight, Joseph Johnson, and ——— Moorhouse. The plea then alleged the delivery of this warrant to Joseph Nadin, one of the constables of the township of Manchester, to be executed; and that the said defendants were then and there required by the said Joseph Nadin, as such constable, and by the

other constables of the township of Manchester, to aid and assist them in the execution of that warrant; and that the said defendants did thereupon aid and assist the said constables in the execution of the said warrant; and that whilst the said defendants were lawfully acting in the execution of the said warrant, and in aid of the said constables, the said plaintiff and divers of the said persons so riotously assembled, assaulted the said defendants, and them the said defendants did stripe, beat, bruise, wound, and ill-treat, and cast and fling divers large stones and brickbats at and against them the said defendants, to the great danger and hazard of their lives; whereupon the defendants defended themselves against the plaintiff and the said other last mentioned persons, and, in so doing, did necessarily and unavoidably a little strike, cut, bruise, wound, and ill-treat the said plaintiff, doing no unnecessary damage to the said plaintiff on that occasion, &c.

Eleventhly. As in the next preceding plea; except that the assault upon the defendants was, in this plea, alleged to have been committed upon the defendants immediately after the apprehension of the persons specified in the warrant.

Twelfthly. That the plaintiff and others, to the number of 60,000 and more, committed a riot, as in the second plea. That the defendants being lawfully present, and seeing and observing, upon their own view, such riot to be committed, did, as far as

in them lay, endeavour to restore the public peace. The plea then alleged an assault upon the defendants by the plaintiff and others, and a justification of the supposed trespasses by the defendants, as in the next preceding plea.

Thirteenthly. That the plaintiff and others, to the number of 60,000 and more, unlawfully met and assembled as stated in the eighth plea. That the defendants, seeing the said plaintiff and others, on their own view, so assembled, did then and there, as far as in them lay, endeavour to preserve the public peace, and to hinder and prevent the said plaintiff, and the said other persons so unlawfully assembled, from further disturbing the public peace, and from further prosecuting their unlawful purpose. The plea then alleged an assault on the defendants, &c., and a justification by the defendants, as in the eleventh plea.

Fourteenthly. That the plaintiff and others made an assault on the defendants, whereupon the defendants defended themselves, &c., as in the eleventh plea.

The plaintiff, in his replication, joined issue upon the first plea. And as to the 2d., 3d., 4th., 5th., 6th., 7th., 8th., 9th., 10th., 11th., 12th., 13th., and last pleas, replied that he ought not, by reason of any thing in those pleas alleged, to be barred from having or maintaining his action against the said defendants, because protesting that the said warrant was not signed by the Magistrates, or

directed to the said constables in manner and form as the said defendants had in their eleventh plea alleged; nevertheless replied that the said defendants, of their own wrong, and without the residue of the causes in those pleas alleged, committed the said several trespasses in manner and form, as the said plaintiff had, in his declaration complained against them the said defendants: and this he prayed might be inquired of by the country, &c.

TRIAL, &c.



THURSDAY, APRIL 4, 1822.

AT nine o'clock, Mr. Justice Holroyd took his seat on the bench. The names of the Special Jurors were then called over, when the following six gentlemen appeared :

John Harrison, of Landing, Esq.
Roger Taylor, of Fintwaite. Esq.
James Newby, of Cark, Esq.
Richard Sagar, of Southfield, in Marsden, Esq.
James Whitaker, of Broadclough, Esq.
Robert Gillow, of Forton, Esq.

There being only half the pannel of Special Jurors present, a *tales* was prayed by Mr. Blackburne, on behalf of the plaintiff, when the following were added from the common Jury :

James Tomlinson.
Matthew Jackson.
Robert Chadwick.
John Ditchfield.
Isaac Walker.
William Barrow.

The Counsel who appeared for the plaintiff, were Mr. Blackburne and Mr. Joshua Evans: solicitor, Mr. Hayward, Took's Court, Cursitor-street, London. For the defendants, Mr. Serjeant Hullock, Mr. Serjeant Cross, Mr. Littledale and Mr. Starkie: solicitors, Messrs. Sharpe, Eccles and Crie, Manchester.

Mr. Serjeant Hullock.—It will be more convenient to Mr. Blackburne, who is not very well, if your Lordship will permit him to sit within the Bar.

Mr. Justice Holroyd.—By all means; and if it will be more convenient for him to speak sitting, he can do so.

Mr. Blackburne.—I am much obliged to your Lordship.

Mr. Evans then opened the pleadings.

MR. BLACKBURNE :—May it please your Lordship: Gentlemen of the Jury, from the statement of the pleadings you have heard by my learned friend, Mr. Evans, you will now have collected what the subject matter of the complaint of the plaintiff is, and you have collected also what are the defences the defendants rely on to save them harmless for the outrage committed on the plaintiff; and I cannot but assure you, that I am unfeignedly sorry that I have not more talents and experience to bring into the service of this important case; but, whatever other complaint my client may have against his advocate, he shall not complain that I do not exert all the energy and zeal I possess, to endeavour to obtain reparation for the serious injury he has sustained. You have heard that this is an action for an assault and wounding. The circumstances that gave rise to it took place on the 16th. August, 1819, at Manchester; and when I state that many of you will have heard of various things that happened on that occasion, (but I trust that none of those things will make any impression on your minds, but that you will come to the consideration of this case simply on the evidence laid before you, and not on what you may have before heard, not on any thing you may have before imagined, but simply on the testimony on the one part and the other) you will then judge whether the defendants are justified in the acts of outrage committed on this plaintiff; for as to the committing the assault upon him, there will be no question whatever in this case; that will

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be fully, clearly, and distinctly proved to you beyond all possibility of doubt; and the only circumstance you will have to inquire into is, whether the defendants are justified in the assault or not. It has been said that this is a matter more deserving criminal than civil justice; and for my own part, I cannot but say, I should have agreed in that opinion originally. But you cannot have forgotten that (for a long time) an inquest sat on a person at Oldham; you cannot have forgotten that various attempts were made in order that this should become the subject of criminal justice; and you cannot have forgotten that none of these have succeeded: all have proved abortive, and now the plaintiff comes to obtain the only redress left him, namely, a compensation, in damages, for the injury he has sustained: an injury he has sustained, in common with all the subjects of the realm; for if it is right that he should be cut and wounded for attending a public meeting, which at that time, at all events, it was the right of his Majesty's subjects to attend, then equally, may his Majesty's subjects, at a meeting for any purpose whatever, be subject to the same outrage as has befallen this plaintiff. You will recollect that in the years 1817, 1818, and 1819, considerable distress was felt throughout the whole of the manufacturing districts of this kingdom; and that distress was no where more poignantly felt than in that part of this county which is about Manchester, and bordering on Yorkshire; and the manufacturing districts of Yorkshire were in the same situation — in such a state, in many instances, that starvation was almost the consequence. This gave rise to discontent; for no man is contented to suffer starvation, no man can be contented while his family are in misery around him; and, whenever that prevails to a great degree, it is as I have heard from a noble Lord, whose talents are not surpassed by those of any man in the country, that where great discontent prevails there will be great misgovernment, for people generally mistake not their true interest—they naturally love the constitution under which they are born; never being desirous of change, except where there is great distress. This was felt at Manchester at the time I am speaking of to you; and accordingly, on the 23d. of July, 1819, an advertisement was published, by

which the public were respectfully informed, that a meeting would be held on Monday the 9th. of August, 1819, on the area near St. Peter's Church, to take into consideration the most speedy and effectual mode of obtaining radical reform in the Commons House of Parliament; being fully convinced that nothing less could remove the intolerable evils under which the people of this country had so long and did still groan; "and also to consider the propriety of the unrepresented inhabitants of Manchester, electing a person to represent them in Parliament, and the adopting Major Cartwright's Bill." This was published on the 23d. July, 1819; but it being suggested by the persons in authority in Manchester, by the Magistrates and others, and it being posted up by bills, that the meeting, if convened, would be considered illegal, and, as I am told, the persons who convened the meeting having taken an opinion as to its being legal, they abandoned it entirely. After they had so abandoned it, there was another requisition to the Boroughreeve, requiring that he would convene a meeting for discussing their grievances, and obtaining a parliamentary reform: the Boroughreeve refused to do so. Then there was another advertisement published, signed by a great number of people, more than 700, for the purpose of calling their townspeople and the neighbourhood together:—the terms of that advertisement were, "A requisition having been presented to the Boroughreeve and Constables of Manchester, signed by above 700 inhabitant householders in a few hours, requesting them to call a public meeting, 'To consider the propriety of adopting the most legal and effectual means of obtaining a reform in the Commons House of Parliament;' and they having declined to call such meeting, therefore the undersigned requisitionists give notice, that a public meeting will be held, on the area near St. Peter's Church, for the above-mentioned purpose, on Monday the 16th. inst." Now, Gentlemen, it is plain from this, that it was not the intention, at least, of the persons who called this meeting, that any thing illegal should take place at it; they, at least imagined, in common with their fellow-subjects, that at that time persons might meet in order to discuss

their grievances; and if they thought that parliamentary reform would effect a useful purpose, they might discuss that subject also. They thought they might petition the Legislature, or any branch of it, for reform; they thought they might meet to discuss, whether or not it would be useful to do so; and, until that took place on this day, which will be shewn to have taken place, I believe it was generally understood throughout this realm, that every man had a right to meet his fellow-subjects to consider the grievances that oppressed them, and to take (or at least to suggest) such measures as they thought might repress or remove those grievances. There were many who thought that reform of the Parliament would remove their distresses; they had heard of the difference between actual and virtual representation, and they wished to have the former, instead of the latter; they thought that if they themselves were at liberty to chuse a person to represent them, that person would be more likely to have a due regard to their lives, liberties, and properties, than any virtual representative; they had heard that the Members for the borough of Grampond (now for its corruption disfranchised) were equally the representatives of the whole kingdom, as they were the representatives of that place; they having felt that that species of representation did not sufficiently guard them, did not sufficiently protect their rights, their property, and their liberties, did not coincide in such opinion, and they thought fit to meet their fellow-townpeople in order to see if they could not adopt another mode of representation, and chuse a person more likely to meet their wishes, and to guard and take care of their interests. Accordingly, upon the 16th. of August, 1819, a great many persons collected together, not merely from the town of Manchester, but from the neighbourhood. They came as has been represented to me "in beautiful order;" they came and ranged themselves in order around hustings formed of carts in St. Peter's Field; they came with banners and flags flying, for the purpose of keeping the people of the different townships distinct from each other; in order that each might attend to his own township; that each person might follow that to which he belonged, and not be misled to another; and for no other purpose

whatever. When you have to consider whether a meeting is legal or illegal, the first consideration that should present itself is, what was the intention of the persons who called the meeting?—what was the intention of those persons who called the present meeting?—was it an illegal act they had done?—they had clearly shewn that it was not: for when it was shewn to them that their requisition for the first meeting contained matter that would render their meeting illegal, they abandoned it, and required their fellow townsmen not to meet without authority, but to request the Boroughreeve to call them together legally. What was it then that rendered this meeting illegal? surely it was not the carrying the banners, if the carrying the banners was for the purpose of keeping them separate and distinguishing the townships; there could be nothing illegal in that. The beautiful order in which they came into the town could not make the meeting illegal: surely it cannot be said, that because persons entered in a manner likely to give the least disturbance, that therefore the meeting is illegal. What is there then to characterize the meeting of the 16th. August as illegal? I have not yet heard what is to turn that which, in its origin, was legal, into an illegal meeting. It is said that there were inscriptions on the banners; that some had the words inscribed “*Liberty or Death,*” and “*Equal Representation;*” and that some were surmounted with caps of liberty. Till this meeting at Manchester, I never heard that to bear a cap of liberty was to bear an ensign of any thing illegal. It is on the contrary, an ensign borne on every procession; one that is considered in this kingdom not as illegal, but as attaching us, more than any other emblem, to the constitution of our country, and as calculated to prevent us from giving up those rights and liberties which the constitution, in its purity, ever presents to our view. It is said, on some of the banners, there were the words “*Liberty or Death.*” I need not remind you that some of our popular and national songs conclude with those words; why then are we not to put them upon a banner? why are we not to prefer liberty to death? why may we not prefer to die freemen, rather than live as slaves? I know of no reason why such inscriptions should not

be put on the banners of freemen. After the people had so assembled, about one o'clock Mr. Hunt came to the hustings; he came attended by a great number of persons, and he was received with loud huzzas; on their getting on the hustings, Mr. Hunt was elected chairman, and he began to address the assembly around him. At that time a great number of people were collected round the hustings in order to hear what he should say. But I should observe, that before this time, the constables of the town had formed a line from the house where the magistrates were, from Mr. Buxton's house, and that line partially surrounded the hustings, there was an open space between these constables and the hustings: and there was sufficient room to pass from the place where the magistrates were sitting up to the hustings: these constables were stationed in this manner, until it was thought necessary to send for the yeomanry cavalry. Now it will be necessary for me to tell you who the defendants are:—The first, Hugh Hornby Birley, was a captain of the Manchester Yeomanry; Mr. Richard Withington was another officer of the yeomanry, Edward Meagher was a trumpeter in the corps, and Alexander Oliver one of the privates. Now, in point of law, the assault of any one of them is the assault of the whole; if they went to the hustings for an illegal purpose, the commander of the corps would be equally guilty with the person who struck the blow. If all were engaged in this enterprize, supposing it to have been illegal, all will be answerable for the act or acts of any one of them. That this is the law of the land, will, I am sure, not be disputed by any one; it cannot be denied that all persons concerned in an illegal act are equally amenable, in point of law, for the necessary or probable consequences that may result from such act. The people having been thus assembled around the hustings, the cavalry came up to the hustings at a quick trot—at a quick pace around the hustings. I do not know whether you are acquainted with the ground; they came from a place called Pickford's yard, by Cooper's Cottage, and by a high wall, and formed in line before the house where the magistrates were sitting. They there formed the line, and presently after set off: they immediately moved towards the people. Now, when you consider what a multi-

tude of persons were assembled—[The learned Judge asked the learned Counsel, who was making his statement by reference to a map, whether he had another plan?—Mr. Blackburne observed, that he had only the one he held in his hand.—Mr. Serjeant Hullock then produced another map which, having first been submitted to the inspection of the counsel and solicitor for the plaintiff, who appeared to consider it as correct, was handed up to his Lordship.]—*Mr. Blackburne* :—Gentlemen, I was stating to you that the yeomanry cavalry of Manchester advanced from Pickford's yard to the place where they formed : they came along a street called Portland-street, along a part of Dean-street, around Cooper's Cottage, all of which you will see upon the plan, and they ultimately formed opposite the house where the magistrates were assembled. You cannot fail to have collected that an immense body of people were closely surrounding the hustings ; for those who attended, supposing that what was going on would be useful and advantageous to them, as well as those who attended from mere curiosity, in either case would be anxious to hear what the speaker should say,—you may therefore easily imagine what a dense mass these people formed. Soon after the cavalry met ; when these people, trusting to the legality of the meeting ; trusting to the circumstance that no objection had been made to it ; trusting to its being legal, as the magistrates had made no objection to the meeting on account of its illegality ; and as no objection had been made to their assembling ; trusting that they were doing nothing wrong, and that the laws of their country would be observed towards them while they were in the exercise of a right the constitution permitted them to enjoy ; trusting to all these circumstances, they were peaceably and calmly engaged in the business of the meeting, when the cavalry set off with a degree of speed which will be described to you by the witnesses, until they were stopped, as they well might be, when they came against this immense mass of people. It has, I know, been said that stones were thrown at the cavalry ; that the people raised bludgeons against them ; you will hear how that was. When you consider the immense multitude and the mass of people assembled, I think you will be

of opinion it was impossible they should have so acted, jammed together as they were. How were they to get the stones?—how were they to raise their arms against the cavalry?—how, in this immense multitude, was such a thing to happen?—I will call witnesses before you who have no interest whatever in the subject, who are neither magistrates, soldiers, nor reformers, and who will tell you they were observing every thing that took place; I will produce to you a witness of unquestionable veracity, of as high honour and respectable a character as any in this county or this kingdom, be they who they may, who was attentively looking to see if any thing should be done either by the people or the soldiery: he will tell you that he became alarmed when he saw the cavalry go on the field lest mischief should occur; he will state to you that he watched, with careful attention, the motions of the people on and around the hustings; that he saw not a stone thrown, not a stick raised, no interruption given to the approach of the cavalry, except that interruption which was unavoidably necessary from the multitude of people gathered together. You know that when such a multitude as that is gathered together, it is impossible they can disperse immediately: you will hear from witnesses, whose testimony cannot be impeached, that they were surprised how they were dispersed in so short a space of time as intervened between the irruption of the cavalry and the complete dispersion of the people; they will tell you it was so sudden that it seemed to have been the effect of a magic wand; and they thought it impossible such an immense mass could have separated so quickly as was done when the cavalry had ridden up to the hustings. For what purpose they so rode up to the hustings, I know not; perhaps it will be shewn hereafter: no civil officer had gone up to the hustings to take these persons into custody; there was a line of constables from the hustings to the house where the magistrates were assembled; within that line it will be proved that the man at the head of the police was walking backwards and forwards; that he received no interruption whatever; that he had ample opportunities of seeing what was going forward upon the hustings, and of remarking the conduct of the people; that he was among them without molestation; and they will

prove that the people were as peaceable and orderly as people could be, until the cavalry came upon them. Gentlemen, if any thing was required to be done with a view to the arrest of any individual, at least they should have first tried the civil power: it was not for a man to say I cannot execute a warrant without the aid of the military, it was his business to try. By the laws of this country, a lawful power only is to be used in executing the process of the law, and that power is at least to be attempted to be used, so that no person may be unnecessarily injured; at all events, they have no right to make use of a destructive weapon: nay, if you are to take a man, guilty of the highest offence the law recognizes they have no right to use violence till all other means fail, till there is resistance to the execution of the warrant, and such resistance as cannot be overcome by any other means than the use of the sword, or those instruments which occasion death. In this instance, without any resistance to the execution of the process of the law, they had recourse to violence and the use of those weapons which did occasion death to many, and the wounding and maiming of hundreds: I say the cavalry having gone to the hustings and taken away Mr. Hunt and the other persons prisoners, one would have thought their purpose had been answered, that they would have been satisfied with what they had done, and that they would have abstained from further violence. Was that so? No: they rode after the people, who were dispersing in all directions, some towards the Quakers' Meeting-house, and some to other places. But before this, two regiments of infantry were stationed near the great area of Peter's Field, closing up the two great outlets from which the multitude could have escaped from the swords of the cavalry. Having got to the hustings, and arrested the parties who were then met there, having dispersed the meeting, and performed the purpose for which they were sent, one would have thought they would have desisted from further violence. Did they return to the place? Did they form before Mr. Buxton's house? One would have thought that, having accomplished their object, they would have returned and not have meddled any more with the populace; that they would have returned peaceably and

quietly. Did they do so? No: on the contrary, they rode after the alarmed multitude; for at that time the shrieks of helpless and unoffending women were heard. I should have told you that this meeting was not composed of men alone, but a great number of women and children: a very great number of women. The people, in dispersing, went towards the Quakers' Meeting-house, followed by the soldiery, and followed by the Manchester cavalry, and it was then that the plaintiff, having come from Middleton, and having one of the flags in his hand, was rode after by the defendant, Oliver, who was seen to cut at him with his sabre, inflicting a severe wound upon his shoulder: a wound that confined him long from his work, kept him long from his family, and from the effects of which he is now only partially recovered. The people got under logs, under trees, in order to conceal themselves; others scaled the walls of the Quakers' Meeting-house to avoid the fury of the soldiers who were attacking them; numbers of them got away, numbers ran along Mosley-street, and endeavoured to escape in every direction. I shall shew you that the cavalry rode after them; not satisfied with having dispersed them, not satisfied with having taken those who were the great actors, they resolved to teach the people that they should not assemble for any purpose; they were resolved to close their mouths against calling for Parliamentary Reform; they were resolved that they should never meet to express their grievances, or to petition the Legislature for redress; they were resolved to shew them that they were never to assemble together to express their opinion of the grievances that were oppressing them. I do not pretend to say that a great multitude of this kind can meet for deliberation; no, they meet to express what before has been deliberated upon, they meet to shew what their object is. It is not likely that deliberation should take place among an immense multitude of people; no, the thing they wish is, to express by their numbers, their sense of the public grievances they are suffering; and to discover, when assembled, the means of redress to be proposed by the persons who have called them to the meetings. At this period there were public meetings in various parts of the

country; meetings called, convened by persons of high rank and of consequence. Nobody supposes that such meetings are for deliberation, they are rather calculated to call forth a public expression of opinions previously formed; a declaration of their grievances, and the remedies likely to efface them. Having thus told you the nature of the grievances on the subject of which the meeting had been called to petition Parliament; having described the advance of the cavalry, and the manner in which the people were prevented from making their escape from Peter's Field, it will now be necessary that I should state to you something of the witnesses. I will shew you what was the object of the persons calling the meeting; that it was that only which they expressed in their advertisement; namely, "To adopt the most effectual means of obtaining a reform in the Commons House of Parliament." I shall shew you that they called the meeting for that purpose and no other. It is possible, I admit, that various illegal acts may be done at a public meeting by certain persons, which will render the meeting (innocent in itself) illegal: in every multitude and immense meetings of this kind there will always be persons among them who attend for the purpose of plunder or spoil; but that will not make it illegal, if the persons who assembled it honestly meant and intended that it should be legal, and that no illegal act should be done. I shall call a gentleman of high rank and character and respectability, a gentleman who has no interest whatever in making the statement he is prepared to lay before you; on the contrary, a gentleman whose prepossessions, if he has any, are decidedly adverse to the sentiments and opinions of those who called the meeting; he is a person who thought it an absurd thing to hold such a meeting; a gentleman who, while various public meetings were held, had endeavoured, to the utmost of his power, to prevent them. He happened, by mere accident, to be going to Mr. Buxton's house, and by accident he was invited to go up stairs; he staid a few minutes in the Magistrates' room, and then went to the room above that, where he had a complete and perfect view of the whole of this field, where he could see the whole that took place,

and where he could observe every movement with more accuracy than any other person could possibly do; with a mind unclouded by prejudice, no wish on one side or the other, no anxiety one way or the other, no concern, no feeling or expectation on one side or the other, he observed every thing, and he will describe that which did take place; he will tell you that when the cavalry went up towards the hustings no opposition whatever was made to them, that no stones were thrown at them, no bludgeons raised against them. I will satisfy you that it was impossible they could have done so: I shall prove to you that all the sticks were, at the entrance of these people into Manchester, thrown away. You will have the additional proof that there was no resistance on the part of the people till the attack of the cavalry upon this unarmed multitude. I have witnesses who viewed the whole of the transactions from other quarters of the field; witnesses, some of whom are acquainted with the parties, and who will state what they saw: I have some who attended the meeting from a motive of mere curiosity, who will state to you every thing that took place: I have others who were in houses on one side and the other, who observed every transaction that took place, and who had no more to do with them than you had on that day; they will give you their reasons why they observed every thing so accurately, and why they can take upon themselves to say no resistance whatever was offered to the cavalry. You will observe that we have now got into the year 1822, and that these circumstances took place so long ago as 1819: it will be therefore necessary, I should say a word or two, why so long a period should have been suffered to elapse between the commission of the outrage, and the complaint made by the person I represent: you will recollect that, for a long time, as I have already stated to you, it was supposed that this was a subject rather for criminal than civil redress; that circumstance alone would, for a long time, prevent any person from endeavouring to obtain civil justice; and I have further to state, that the unfortunate person, who is the subject of this outrage, is a hatter in Middleton, but he is not in affluent circumstances, and therefore a long time would elapse before a person in

his situation could get together the means of coming into a Court of Justice for redress. It has been said that a person, however poor he may be, may sue *in forma pauperis*: that is certainly true; but in order to do so, it is necessary for a man to swear that he is not worth more than five pounds. Now there are many persons worth more than five pounds who cannot afford the expenses of coming before a Court of Justice: and if he does come, all he is allowed is, that he shall have no stamps and pay no Counsels' fees; but if he has witnesses who are necessary to prove his case, he must bring them at his own expense, he must bear all their expenses; this will sufficiently account for the length of time that has intervened between the perpetration of this outrage and the period at which this action is brought. It was brought as long ago as the month of October last; so that this poor man, as soon as he had the means of coming before a jury of his country, has come. I have omitted to state, that besides the persons I have said I should call as witnesses, I shall call a number of persons who were on the hustings, and who were there to report for the various newspapers. These are a class of witnesses most likely, from their experience and from the number of things of the same kind they have attended, to give an accurate account of the proceedings that take place: to them it is of the greatest importance, that no one should observe any particular fact that has not been remarked by themselves, for it is to their accuracy of observation they owe the means of giving correct accounts of what passes at a public meeting; they are the persons who, of all others, are the most likely to give a correct account of what did take place. I have told you all that did take place. I have mentioned to you the witnesses I shall call. I have given you the outline of the case; I trust you will attend to it with care and attention. The poor man I represent has come before you for justice; he has the powerful to contend with, he has the rich for his adversaries; to you that circumstance will make no difference: if it has any effect, it will only be to make you more careful to watch for his interest, more attentive to guard and protect him. It long has been, and long will, I hope, continue the boast of British Juris-

prudence, that the poor man, when he asserts his rights, is heard with the same respect and attention as the richest of his neighbours; in all ordinary cases it is so. I am aware, that sometimes, from circumstances, the mind is prejudiced, by a person of the condition of the plaintiff coming to procure justice. I trust you are not in that condition; I trust you will dispel every thing from your mind you may have heard or read; that this man will have the justice he requires at your hands; and that the laws of this country, in their administration, may continue to deserve the praise which has been given to them; and that they will continue what it has been said they are, the envy of surrounding nations, and the admiration of the world.

Alexander Anderson sworn: examined by Mr. Evans.

Q. Where do you reside?

A. Manchester.

Q. What are you?

A. A weaver.

Q. Was you at the meeting on the 16th. August, 1819?

A. I was.

Q. Was you one of the persons who called that meeting?

A. I was one of the persons who signed my name to the requisition.

Q. What was your object?

A. To petition Parliament for a reform.

Mr. Serjeant Hullock.—The requisition will speak for itself.

Mr. Evans.—You object, do you?

Mr. Serjeant Hullock.—I do object.

Q. At what period of the day did you go to the meeting?

A. Between eleven and twelve.

Q. Were there many people on the ground then?

A. A great many.

Q. Of what did the crowd of people consist?

A. I cannot say, there were a great number, walking backwards and forwards.

Q. All men?

A. Old and young, women and children.

Q. How long did you stay at the meeting?

A. I stopped at the meeting till Mr. Hunt passed me by in some sort of a carriage.

Q. Did you go away then?

A. No.

Q. How long did you stay?

A. I stopped till I saw him go on the hustings.

Q. When did you go away?

A. Soon after.

Q. Did you go away before the meeting was dispersed?

A. Yes, I felt very poorly, and I said I would go home and get my dinner.

Q. Had you any other object in calling the meeting but what was stated in the requisition?

A. Nothing at all.

Q. To your knowledge had any other person?

A. Not to my knowledge.

Cross-examined by Mr. Serjeant Hullock.

Q. Was this the first meeting you had been at, Alexander?

A. It was not.

Q. You had been at many before?

A. At many a one before that.

Q. At Manchester?

A. I never went out of Manchester to one.

Q. What had you done at the other meetings besides talking?

A. I cannot say what was done only listening to the people.

Q. And you went away much edified?

A. When I was tired looking at them I went home.

Q. Was you at the meeting of the 9th. of August; you know there was a bit of a meeting?

A. I was not.

Q. But there was one?

A. There was one, but it was reckoned to be illegal.

Q. That was the reason you did not go?

A. That was the reason I did not go there.

Q. How far did you get upon the 16th.?

A. Somewhere about the Quakers' Chapel.

Q. And then you saw Mr. Hunt?

A. Yes.

Q. Who were with him?

A. A good many, I do not know any.

Q. Had you seen them before?

A. I knew that gentleman.

Q. You knew their names; did you know Johnson?

A. I have seen him, but I should not know him again.

Q. Did you see him in the open carriage?

A. I did not.

Q. Did you see him with Mr. Hunt?

A. I was not taking notice.

Q. But you saw the lady on the dickey?

A. I might see them.

Q. Did you see a lady dressed in white?

A. More than one or two.

Mr. Justice Holroyd.—In the carriage or on the carriage.

Q. In the carriage or on the dickey?

A. They were riding there.

Q. They were moving along with Mr. Hunt, they had flags?

A. I did not take notice.

Q. Do you know Mr. Carfile?

A. Yes.

Q. You are not intimate with him?

A. I know him when I see him.

Q. What had you been about, you went late?

A. I was at my work.

Q. Did you see the people marching in the "beautiful order" my friend speaks of?

A. Some few.

Q. How few?

A. I cannot say.

Q. I do not want to know to a thousand?

A. Do you mean what went in the street?

Q. Yes: what is your street?

A. Newton Lane.

Q. Is that near Oldham Road?

A. It goes into the Oldham Road.

Q. Give us a small conjecture of the numbers you saw coming down.

A. I cannot, I am no great judge.

Q. You never will be—How many did you see, more than two or three parties?

A. Several.

Q. Did you not see several march in ranks like soldiers?

A. There was no symptom of that.

Q. What did they march like?

A. Some were very poor and ragged, without any thing in their hands.

Q. A ragged regiment—How did they march, with their feet in "beautiful order"?

A. Quietly.

Q. Just in the same way as soldiers?

A. Not the same way as soldiers; they always have firelocks.

Q. With that single exception they marched the same way, but had no fire arms?

A. No.

Q. That was the only difference; that they had no firelocks, and soldiers have?

A. Yes, when they are marching out of town.

Q. These men had nothing in their hands?

A. Some might.

Q. What had they in their hands?

A. I cannot say.

Q. Tell us what you think they had in their hands?

A. Some odd ones had a small rod in their hands.

Q. A switch, you mean?

A. Yes.

Q. Very few of them had any thing?

A. Some had bits of rods.

Q. How many might there be in a party?

A. I cannot say.

Q. 3000 perhaps, or 4000?

A. I cannot say nothing to that.

Q. Do you mean to represent that you did not see a party of 4000 or 5000 coming down your street?

A. I would not wish to swear but to what I know.

Q. You do not know?

A. I cannot swear what number were together; I would not wish to swear what number; I did not take that notice.

Q. Did you ever see such a party march down the street?

A. I never saw so many as at the meeting.

Q. I ask you whether you ever saw so large a party marching down the street; had they bugles?

A. They had some sort of music.

Q. Do you mean to affect to say they had no music?

A. They had something they blew.

Q. Not bagpipes I suppose; you know what a bugle is?

A. Yes, them they sound in the morning.

Q. Was it them you heard?

A. Something similar to that.

Q. Were they trumpets or bugles?

A. I cannot say more than that.

Q. And they blew that as they came along?

A. I heard them blow it once.

Q. Had they any drum?

A. I did not hear any, nor do I recollect.

Q. What number of banners—ensigns were there?

A. I cannot say any thing about that.

Q. You saw none?

A. I cannot swear positively, it is so long back.

Q. That is not our fault; I ask you how many flags there were?

A. I cannot say how many.

Q. Were there three or four?

A. There might be three or more.

Q. Was you near enough to read what was written on the flags?

A. Some of them.

Q. What did you see upon them?

A. 'Tis a great while back.

Q. What did you see written upon any of the flags?

A. I will not pretend to say, for I cannot recollect.

Q. Was there "Equal Representation or Death"?

A. It might be on it.

Q. Did you see that? I ask you if you did not see that on one of the banners—"Equal Representation or Death"?

Mr. Justice Holroyd.—Do you recollect whether that was on the banners or not?

A. I think I have heard people say it was.

Q. If you recollect you must tell us?

A. I do not recollect.

Q. You can read?

A. I can if it is near me.

Q. I mean what was written on the black flag; you saw the black flag?

A. I think I did.

Q. Will you take on you to swear deliberately, that you cannot recollect the words on the flag?

A. I do not recollect now, I might if I had been called then.

Q. You admit that you saw to the number of three or more?

A. Three.

Q. I ask you if you did not see this — "Let us die like men, and not be sold like slaves"?

A. I think I did.

Q. You have seen Caps of Liberty?

A. Yes.

Q. How many were there with that party. I do not ask you how many were in the field?

A. I cannot say how many; I did not see them.

Q. Was there one on the black flag?

A. I do not recollect.

Q. Did you ever attend drilling?

A. No, nor ever see none.

Q. Did you know any of the party that came down?

A. I cannot remember at this time.

Q. Did you see them halt?

A. Yes, I see them halt.

Q. Who gave the word?

A. I do not know.

Q. Did they halt by the sound of the bugle?

A. It is such a while back I cannot remember; what I could remember then it would be hard to remember now.

Q. Was you halted by the word or by the sound of the bugle?

A. I do not know.

Q. Did you hear any one give the word to "march" or "halt"?

A. I did not take notice.

Q. What countryman are you?

A. I was born in Ireland.

Q. How long have you been in Manchester?

A. About 32 years.

Re-examined by Mr. Evans.

Q. Do you know any thing of a meeting on the 9th.?

Witness returned no answer.

Wm. Mackillop sworn : examined by Mr. Evans.

Q. What are you ?

A. A weaver.

Q. Where do you live ?

A. In Silk-street, No. 69.

Q. Was you at the meeting on the 16th. August ?

A. I was.

Q. Was you a party to calling the meeting ?

A. No.

Q. Did you sign a paper to call a meeting ?

A. I did put my name to a paper — to the requisition.

Q. Had you any other object in signing the requisition but what was stated in the requisition ?

A. No other object.

Q. How long did you stay at the meeting ?

A. I set out between ten and eleven; till the cavalry charged on the people, and then I strove to make my escape.

Mr. Justice Holroyd.—Till when did you stay ?

A. Till the cavalry charged on the people.

Q. You stopt from between ten and eleven till the cavalry charged ?

A. Yes.

Q. What part of the field was you in ?

A. Within some yards of the hustings, at the head of the line of constables close by.

Q. Where did the line of constables go from ?

A. From near to the wall, close to the hustings, along the brow.

Q. How near to the hustings ?

A. I think close up, as near as possible.

Q. Do you know Mr. Buxton's house ?

A. I am not exactly sure, I think it is on the south.

Q. Do you know where the Magistrates were ?

A. The people said beside me that they were in Mr. Buxton's house.

Q. Of what did this meeting consist ?

A. Of men, women and children, old and young—great numbers.

Q. Had many of the men sticks?

A. Why, some of the countrymen had bits of sticks or rods ; some crooked, some straight.

Q. Did you see any armed with bludgeons?

A. I saw none armed with bludgeons of any size.

Q. Did you see any disturbance in the meeting?

A. No disturbance till the rush came when the cavalry went among the people, round by the wall.

Mr. Justice Holroyd.—How did the cavalry come among the people?

Mr. Blackburne.—Your Lordship will see in the map, Cooper's Cottage.

Mr. Justice Holroyd.—I have not got your plan.

Mr. Blackburne.—I will put up a plan. (The learned counsel handed one up.) Your Lordship will observe on the plan some dotted lines from Cooper's Cottage, that is the line the cavalry took ; you see the dotted line ?

Mr. Justice Holroyd.—I do ; your plans agree ?

Mr. Serjeant Hullock.—There are no words in ours except the names of the streets.

Mr. Justice Holroyd.—The witness said there was no disturbance till the rush of the cavalry ; he said something about the wall ?

Mr. Evans.—The cavalry came round by the wall.

Q. Describe whereabouts the wall was—that by Cooper's Cottage ?

A. Yes, my Lord.

Q. What did they do then ?

A. They formed in front of the wall, one end close to the line of constables.

Q. How long did they stay there ?

A. A very short time: they made a second move, a piece further down the field.

Q. Well ?

A. They formed three deep.

Q. Well?

A. A gentleman in coloured clothes I did not know, came and seemed to write something, as I conceived, to the commander.

Q. Well?

A. They then advanced, and coming through a straggling part of the crowd, they came to the close body of the people—I saw some fall.

Mr. Justice Holroyd.—Close body of what, did you say?

A. The meeting.

Q. What persons do you mean by some?

A. I saw several odd men go down as the horses rushed forward: several of the people in the crowd.

Q. Did you see any attack on the yeomanry as they came down?

A. Not the least further than cheers.

Q. You say not further than cheers; when did the cheers take place?

A. As the cavalry advanced.

Q. Did you see any stones thrown?

A. Not any; I am certain no stones were thrown; I stood on a height where I could see; there were none thrown in my sight.

Q. Had that height any particular name?

A. I do not know no name.

Q. Could you point it out in the plan?

A. I do not know.

Q. How many yards from the hustings?

A. It might be twelve yards.

Q. Did you see any persons strike the yeomanry?

A. I am positive no one struck at them in my seeing, as long as I durst stand.

Q. Well?

A. I had no apprehension that they would cut the people till one of the constables cried out "stand fast No. 1;" then I made my escape; and at the same time they began to lay on with their truncheons—began to lay on with their constables' staffs.

Q. How far had the yeomaary advanced from the hustings ?

A. It might be about thirty yards, or it might be less ; I was in a hurry to get away.

Q. Did you then go home ?

A. I made the best of my escape home.

Q. You saw no more ?

A. I saw no more, I passed away backwards.

Cross-examined by Mr. Serjeant Cross.

Q. What countryman are you ?

A. An Irishman.

Q. How long have you lived in this country ?

A. Thirty years.

Q. Have you been in the habit of attending meetings ?

A. No more than a spectator.

Q. You was an invitor, one that called the meeting ?

A. No.

Q. You signed the requisition ?

A. I signed the requisition.

Q. By a requisition I suppose you mean an invitation to a public meeting ?

A. It was a requisition to the magistrates to call a meeting.

Q. Had you been at any meeting on the ninth of the same month ?

A. No ; it was not allowed to be legal.

Q. Had you seen your chairman on the ninth, near St. Michael's Church ?

A. No.

Q. Not at the meeting ?

A. No.

Q. You saw the people come on the ground on the sixteenth ?

A. Yes.

Q. You was there pretty early ?

A. Between ten and eleven.

Q. Then you saw most of the corps take up their ground ?

A. A great deal of it.

Q. They took up their ground in the most "beautiful order" possible ?

A. They took it up very regularly.

Q. As each corps took his station, the standard was marched up to the cart and planted there ?

A. Yes.

Q. Some of them with drums beating, flags flying, and all things possible ?

A. Some had drums, and some had only fifes.

Q. And some bugles ?

A. There might be some bugles, but I do not remember.

Q. In short, they all took up their ground in as nice order as a regiment ?

A. Not as a regiment ; but as a sick club or a society.

Q. Your friend, Alexander Anderson, was one of the sick club ; for he went off to his dinner ?

A. Whether he was sick or not, I cannot tell.

Q. By sick club you mean bodies of people without firelocks ?

A. Certainly.

Q. You do not consider them as assuming the appearance of soldiers till they have firelocks ?

A. I do not consider them ; they had neither regular step or march.

Q. They did not please you as regulars ?

A. Not as soldiers.

Q. How long have you been a soldier ?

A. I never was a soldier ; I have been in a volunteer corps, never as a regular soldier.

Q. You was within fifteen yards of the hustings ?

A. Thereabouts ; I cannot exactly say.

Q. In front or touching the column of constables ?

A. Very near.

Q. Quite at the head ?

A. Not quite at the head ; the distance that reached to the hustings.

Q. What space was between you and the constables ?

A. Sometimes close, sometimes a yard or two from them.

Q. You then was fifteen yards from the hustings ?

A. At the head of the constables, past the hustings.

Q. Did you see whether they surrounded the hustings ?

A. I did not.

Q. Was any body with you ?

A. No person that I know.

Q. So besides their drums and fifes they had little rods ?

A. Country people in general have.

Q. A sort of playthings ?

A. Such as a man takes in his hand when he goes to walk a bit.

Q. Men, women, and children, and little rods, creaked and straight, were all you saw : I think you say you saw none armed with bludgeons of any size ?

A. I did not.

Q. But you did see some that you called bludgeons ?

A. No ; I call them bludgeons that would knock a man down.

Q. What you would call a shillelah in Ireland ?

A. Yes.

Q. When the cavalry came up, you say a person in coloured clothes also came up ?

A. When they came up to where they made the last stop.

Q. Before the house ?

A. Not so low down.

Q. Do I understand you that this gentleman in coloured clothes rode before them as they reached the hustings ?

A. He appeared to reach something to the officer, and then he retired back.

Re-examined by Mr. Blackburne.

Q. Have you seen any procession of sick clubs in societies ?

A. Many.

Q. And you say these people resembled them more than soldiers ?

A. In respect of order.

Q. And in respect of step?

A. Step and keeping form.

Q. These sticks you saw, were they fit instruments to cope with swords?

A. No, not so.

Q. You see the rod behind you, (the Under-sheriff's rod) what proportion did they bear to that, in point of thickness?

A. Some were rather thicker and some a good deal smaller.

William Harrison snore : examined by Mr. Blackburne.

Q. You are, I believe, a cotton spinner, and live at Oldham?

A. Yes.

Q. Did you do so in August, 1819?

A. I lived at Oldham; I was born at Oldham.

Q. Did you go with a company of your townsmen from Oldham to Manchester on that day?

A. Yes.

Q. What time did you set off from Oldham?

A. Between eight and nine o'clock.

Q. And arrived at Manchester?

A. Some little before twelve, as near as I can guess.

Q. The distance is seven miles?

A. Seven to New Cross, and one to the ground.

Q. How many were there?

A. Four divisions—the Lees, Moseley, Royton, and Oldham.

Q. How many?

A. The parties together met at Oldham.

Q. You still have not told me how many there were; how many do you think?

A. About five or six thousand when they arrived at Manchester.

Q. All men?

A. No, women; I had a child there a year old.

Q. Your wife and child went?

A. With me along.

Mr. Justice Holroyd.—She went with you?

A. Yes, and many besides on the road.

Q. Will you tell us what proportion of women were among this five or six thousand ?

A. There were, as near as I can think, near 1,000 women; young girls, some thirteen, some ten years old.

Q. About 1,000?

A. I think in our procession from Oldham; some dressed in white.

Q. When you went had you any sticks with you ?

A. No; we came up without sticks.

Q. Had any others sticks who went with you ?

A. Some old men: when walking in our country, they usually take sticks with them.

Q. Now, when you got to New Cross at Manchester, did any thing there take place?

A. We stopped there, and called out one to another: we met four people on horseback, we thought they were Magistrates; we thought something was hatching then.

Q. What became of the sticks then ?

A. We called out one to another, those who had sticks to throw them away.

Q. Was that done?

A. I saw some of the sticks in the company I was in, thrown away at the New Cross.

Q. I think you say New Cross is a mile from the place of meeting?

A. It is so called from Peter's Field.

Q. Now when you got on to the field, where did you take your position ?

A. The higher side of the hustings.

Q. Near where?

A. It stood one part to Mr. Buxton's house; I stood on the higher side of the stage.

Q. Towards Mr. Buxton's house?

A. Yes; a little towards Mr. Buxton's house.

Q. How, with regard to Windmill-street?

A. I was opposite, I think, to the Quakers' Chapel, on the higher side of the hustings, in a line to it.

Q. How near was you to the hustings?

A. Seven or eight yards on the higher side, as near as I can think.

Q. Did you see the cavalry come on to the field?

A. Yes.

Q. Did you see them form before Mr. Buxton's house?

A. Yes; I saw them come down; but there were such confusion by their coming with such speed, they could not form regularly.

Q. Where the Magistrates were?

A. Where the Magistrates were.

Q. Did you see them come from thence towards the hustings?

A. Yea.

Q. Did you see them get up to the hustings?

A. Yes; I saw them get up to the hustings.

Q. As you saw them set out and get up to the hustings, tell us what they did in their way.

A. I will, to the best of my knowledge.

Q. Tell us what you saw?

A. I could see them cutting the people, waving their swords backwards and forwards, this way (flourishing his arm); there were some with black spots on them, and some with silver tops.

Q. Well?

A. I saw the constables begin to attack the banners.

Q. Where were the banners?

A. Fixed in a circle round the hustings.

Q. Were they upon the ground, or on the cart?

A. Those on the ground were round the hustings with staves of a great length.

Q. They attacked those who held them?

A. Those who held them, the constables began to take them from.

Q. Where were the cavalry at this time?

A. The constables and cavalry joined together round the hustings then.

Q. Did you see any body taken from the hustings ?

A. No ; I did not see any body taken from the hustings, I made my escape.

Q. In making your escape which course did you take ?

A. The contrary course from Mr. Buxton's house, a street coming from the Exchange.

Q. Do you know whether it was Deansgate-street ?

A. I have not much acquaintance with the streets.

Q. Is the Exchange near Deansgate-street ?

A. I went opposite the Exchange.

Q. You left the field ?

A. I left the field then.

Cross-examined by Mr. Littledale.

Q. You are a cotton-spinner ?

A. Yes.

Q. Whose factory are you in ?

A. Thomas Cosen's, of Oldham.

Q. What wages did you get a week at that time ?

A. Well, about twenty shillings.

Q. Did it depend upon the work you did ?

A. It depended on the work I did.

Q. Were the other men in the factory paid at the same rate ?

A. Yes ; they were all paid alike, but there are different sorts of work, more of some sorts than others, so that it makes a difference in wages.

Q. How many days did you work ; I believe you generally took Mondays and Tuesdays for holidays, about that time ?

A. Not at that time ; at one time of day they used to do so.

Q. Did you and the other people in the factory work six days in the week ?

A. They generally worked six days in the week.

Q. At that time ?

A. Yes.

Q. You worked, you say, six days ; could you not make more than twenty shillings ?

A. I was not bound to kill myself or hurt my health.

Q. But without killing yourself or hurting your health?

A. That is the average of the year round, as near as I can state.

Q. Where was the place the Oldham people used to meet to drill, to learn the step?

A. I know but little about the drill; I did once go, but it was over when I got there.

Q. When was it? was it the night of the fifteenth—the night before you went to Manchester, or the week before?

A. The Sunday before.

Q. There was to have been a meeting on the ninth, on a Monday?

A. That was adjourned.

Q. Did you go on the ninth?

A. No.

Q. Did you go to the drilling on the eighth, when you went and found they were gone; when was it?

A. I have heard ———

Q. The time you found they were gone, was it the Sunday before the meeting, or the Sunday before the ninth?

A. I believe it was a fortnight before; I believe I went to the White Moss when Murray was dead wounded.

Q. A fortnight before the sixteenth?

A. Yes.

Q. Murray was a constable?

A. I have heard say he was a spy.

Q. You found that he was dead wounded?

A. He was gone, and they told me it was at three o'clock he went.

Q. Nearly dead?

A. No, he walked home; he was seen afterwards staring out of the window; he was alive on the sixteenth August. ——— who went with me said so.

Q. Staring out of the window; did you not stop at a house which they told you was Murray's house?

A. I will not swear I did.

Q. You can bring it to your recollection?

A. I cannot recollect; it was called Murray's.

Q. Was it the same Murray who was wounded at the White Moss?

A. We stopped at the New Cross, and went along to the ground.

Q. After you left the New Cross, did you not stop at a person's house?

A. No, we did not.

Q. Will you swear you did not?

A. To the best of my knowledge.

Q. Then you never attended this meeting; you said you went and they were gone?

A. I went the Sunday before.

Q. But you went there?

A. I went, but it was mere nonsense; thirty or forty men, one division, some boys ten years old, some as old as you, some old men, well and ill.

Q. There were thirty or forty in a company, this was at the drilling?

A. Not at White Moss; I went to White Moss; but it was all nonsense.

Q. That was the fortnight before the meeting at Manchester?

A. Yes.

Q. How many people did you see in the morning?

A. I saw one who came from Manchester, who came with Murray; as the people came along he set his leg out to throw the people down.

Q. I only want to know how many companies were drilled?

A. Three or four, or so on.

Q. Of thirty or forty each?

A. To the best of my knowledge.

Q. You saw these people learning a step?

A. Yes, marching about.

Q. They had a bugle?

A. No.

Q. Was the word of command given, what they were to do—to fire?

A. No; I never heard that word of command given in my life.

Q. What word of command was given?

A. "Stand at ease," "as you were," and such like as that.

Q. Was there a person who gave the word to each company separately, or to all that were there?

A. Sometimes one to a company; but it was all mere nonsense.

Q. Sometimes a man to each company: did it sometimes happen that one gave the word to all?

A. No; I never see that.

Q. This was at White Moss, the morning Murray was wounded; where was the place where it was mere nonsense?

A. The top of Oldham Edge.

Q. When was it?

A. Perhaps a week or a fortnight before the time at the White Moss.

Q. At what time of the night or morning did you go to Oldham Edge?

A. A little before five in the morning.

Q. What day of the week?

A. On a Sunday.

Q. How many companies assembled to drill?

A. Only one company there.

Q. How many were there in the company?

A. About forty.

Q. What was the name of the man who commanded the company?

A. I cannot say.

Q. Did you march about?

A. We marched about half a mile down a lane.

Q. Did they march in ranks as soldiers do?

A. They did not march as soldiers do, for they had not common

sense to do it; such low boys, so little, thirteen or fourteen years of age.

Q. Was you the only man, the only grown-up man there?

A. Some, I told you, were eighteen or sixteen.

Q. And some as old as you are?

A. Some grown up; different descriptions of people, but chiefly boys.

Q. You marched along with them?

A. I went a little down the road.

Q. You marched a little way with them?

A. Yes.

Q. When you got half a mile down the lane, what did you do?

A. I went home.

Q. Did you march according to the word of command?

A. There was no regular order; it was mere nonsense.

Q. Was the word of command given?

A. Sometimes they marched, sometimes they halted, treading on one another's heels—no regular order at all.

Q. What was the regular word?

A. "Quick march," and "halt," and such as that.

Q. "Halt"?

A. Yes; "halt," and such as that kind.

Q. Did you not march or halt according to the word of command?

A. Sometimes we did, and sometimes we laughed at them.

Q. At the time you was not marching, was not the word of command given, "stand at ease"?

A. Sometimes that was given when we were stopped.

Q. Was not there sometimes the word given, "Fire."?

A. Nothing of the kind; I never heard that in my life; I never did, never.

Q. You have told us of two places you were at, the White Moss and Oldham Edge; you were also at the Tandle Drills?

A. I was not at the Tandle Drills.

Q. You was never at any but what you call nonsense?

A. No.

Q. You have told us there were five or six thousand together ?

A. As near as I could think.

Q. How many of these people that marched with you into Manchester, had you seen at these drillings ?

A. I do not know that I had seen one of them.

Q. Recollect whether a great many of these you saw at Oldham Edge and White Moss, did not compose a part.

A. There were those I had seen at Oldham Edge, but no word of command was given.

Q. Several of the people you saw at Oldham Edge, formed part of the people who marched to Manchester ?

A. They went with them.

Q. The people who went to the drill ?

A. The people who went with me to Oldham Edge.

Q. How many were there of the people you saw at White Moss ?

A. I do not recollect any I saw at White Moss.

Q. You say there were four divisions : the Oldham, Lees, Boy-ton, and Moseley ; you went to the Oldham division ?

A. Yes.

Q. Did you command that division ?

A. I never was a soldier in my life.

Q. The divisions were commanded by different people ?

A. No, they were not.

Q. You do not mean to say there was no word of command, till you got to Oldham ?

A. The banners went before ; when the banners stopped we stopped : there were girls dressed in white.

Q. Did the girls carry all the banners ?

A. About twenty girls carried the Failsworth banner.

Q. That was not yours ?

A. That was a division we took up between Oldham and Manchester.

Q. Twenty girls carried the Failsworth banner ?

A. As near as I can recollect.

Q. But the banner was held by men, not the girls ?

A. Only one ; they could walk after it, it was a light thing.

Q. What were the letters on the Failsworth banner ?

A. I cannot say.

Q. Did you carry the Oldham banner ?

A. I never touched it.

Q. Had you more than one banner for Oldham ?

A. One colour and the cap of liberty, all fixed on one staff.

Q. What was the inscription on the Oldham banner ?

A. " Major Cartwright's Bill," and " the Election by Ballot."

Q. What was the inscription on the Lees banner ?

A. I think " Representation : " I cannot justly say ; something of that kind.

Q. Was it " Equal representation or death " ?

A. It might be : I did not see till I got on ground ; it might be something of that kind.

Q. Was that the black flag ?

A. Yes ; I believe it was.

Q. What was the inscription on the Mosely flag ?

A. I cannot say : they were stationed round ; I only saw by a little wind that blew them.

Q. You can say what writing it had on ?

A. I cannot say what writing it had on.

Q. What had Royton ?

A. I cannot say.

Q. Do you not remember on one " Let us die like men, and not be sold like slaves " ?

A. I did not see it.

Q. " No Corn Laws " ?

A. I believe I saw something of that kind.

Q. You mean you did see it.

A. To the best of my knowledge.

Q. You do not remember what township ?

A. I cannot say what the Oldham colour was, for I never thought of it since.

Q. What music had you ; a drum and fife, and bagles ?

A. We had no drum ; there were that had a drum.

Q. You had fifes ?

A. No fifes.

Q. You had bugles ?

A. Something of a kind of trumpet.

Q. A bugle ?

A. A bugle, or what they call a trumpet ; I am no ways acquainted with nothing of that sort.

Q. By what street did you first come to Manchester ?

A. We went down the Shudehill, and then past the Exchange.

Q. Well ?

A. I had not been at Manchester but once or twice before this job happened.

Q. Did you go by the nearest road ?

A. It might be the nearest or furthest, I cannot tell.

Q. You have never been at the place since, but you have seen it represented ; you have had a meeting where every thing was done over again : was there not a play where every thing that passed was done over again ?

A. I have never seen it.

Q. Last Sunday was there not a meeting at Oldham, to represent what occurred at Manchester on the sixteenth of August ?

A. I was not there.

Q. Do you not know that many were collected there ?

A. I was not there.

Q. You say you do not know whether you went the nearest way or by a circuitous route ?

A. I went past the Exchange to the ground.

Q. Was that the nearest way from Oldham ?

A. I cannot say.

Re-examined by Mr. Blackburne.

Q. You said you went to Oldham Edge ?

A. Yes.

Q. How far is that ?

A. Nearly a mile.

Q. The public road?

A. Yes.

Q. Was this the place where the women and banners were?

A. Yes.

Q. Did you not see children in arms—in their mother's arms.

A. Oh! yes; women with children in their arms plenty, watching.

Q. Was it dark?

A. It was day-light.

Mr. Justice Holroyd.—Q. What do you mean by watching?

A. Looking at them, viewing them, or looking.

Q. Where does this Oldham Edge lead to?

A. It used to be the road to Roachdale or Rochdale, or what they call it; the public road.

Q. You say at this time you earned twenty shillings a week?

A. Yes.

Q. Could you have done it if you had spent your days in idleness?

A. No.

Q. If you had played Mondays and Tuesdays?

A. No.

Abraham Wrigley sworn: examined by Mr. Blackburne.

Q. You are a cotton-spinner, and live at Oldham?

A. Yes.

Q. Did you do so in 1819?

A. Yes.

Q. Did you go with the Oldham people to Manchester on the 16th. August?

A. Yes.

Q. In the course of your progress from Oldham to Manchester, was any thing done to excite a disturbance?

A. Not at all.

Q. What part of the field did you go on to?

A. About five yards or six from the hustings, between the hustings and Mr. Buxton's house.

Q. Was you near the constables?

A. With my back to the constables; the line of constables leading from Mr. Buxton's house to the hustings.

Q. Did you see the yeomanry cavalry advance towards the hustings?

A. Yes.

Q. Before that time, how had the people attending the meeting, conducted themselves?

A. In a very decent manner; all appeared to be harmony and conviviality.

Q. Did you see the yeomanry when they first advanced?

A. When they met, I did not.

Q. How near had they got to you before you did observe them?

A. They had got close up to me before I could possibly see them.

Q. Was there a great crowd of people round you?

A. Yes, Sir.

Q. When you did see them, what were they doing?

A. When they first came up to the place where I stood, they were cutting away with their swords at the people.

Q. When they came up to you what happened?

A. When they come up to me, I stood, as I observed before, with my back to the constables: the constables that stood next to me began to strike the people with their truncheons; and one of the constables standing nearest to me, pushed me forward close to the cavalry-men's horses; and I received a blow on the hat, which I conceived to be by one of the cavalry-men's swords; it knocked it off.

Q. Did you observe any body else?

A. Yes; I saw many that were struck by the cavalry-men in that situation.

Q. Did you see the effect the blows had on them?

A. I saw blood flowing very copiously from the heads of some of them, after their hats were struck off; they struck them over the head.

Q. Which way did you get away?

A. I was forced back by the pressure of the crowd, in the way where the constables stood; that is, to my back; I was forced against the higher part of the houses that formed Windmill-street.

Q. Well?

A. In that situation, the houses in Windmill-street have cellars.

Mr. Justice Holroyd.—You are now speaking about other people in the cellars.

A. Yes; there were some cellars: the houses have mostly cellars in that street; there was an iron railing to prevent accident, which was broken down by the pressure.

Q. Iron railings opposite the cellaring?

A. Yes.

Q. Well?

A. I was then forced into a back yard of Windmill-street.

Mr. Justice Holroyd.—I do not know whether this is material.

Q. Did you observe any thing more of what happened?

A. After we were driven through the yard, followed by the constables, a great many constables followed and struck several of the people; we were then compelled to make our escape over a fence, not being safe, a very high fence for boards; from there I got down to a brick yard.

Q. Did you get away? Did you see any thing more?

A. When I got over the fence, the cavalry were after the people, who made their escape that way.

Q. Do you know into what street you had gone, when you got over the fence?

A. I got into a brick-yard.

Q. What street had you got into?

A. The higher end of Windmill-street.

Q. Do you mean the end towards Watson-street?

A. No; the other end.

Q. Towards Lower Mosley-street?

A. Yes.

Q. You got away?

A. I got away that way, but returned again.

Q. What did you then see?

A. I came on the field again in ten minutes after I was forced away.

Q. What did you then see?

A. I was coming on the top of Windmill-street; I met an old man, whom I knew, bleeding profusely, from, apparently, a sabre wound received on his forehead.

Q. Was the blood from his forehead?

A. Yes.

Q. Did the blood come from a wound in his forehead?

A. Yes.

Q. What more?

A. I observed to him——

Q. What did you see?

A. After I had seen him, I came down to that part of the ground where I had been, in order to obtain my hat or get another.

Q. You came back to get another hat?—had you seen any body else that had lost their hats?

A. Many.

Q. What did you see?

A. When I came back, I observed that most of the people had fled, and that the cavalry were riding about and forming in a sort of column, and the constables near them.

Q. Did you see any thing more?

A. I saw the constables striking the people who had got away, infirm people.

Q. At the time you returned?

A. At the time I returned.

Q. Do you usually walk with a stick?

A. Yes; I do.

Q. Had you brought your stick with you on this day?

A. I had not; I had at that time walked with a stick for three quarters of a year, for a complaint.

Q. What complaint?

A. The rheumatism.

Q. Did you bring it with you to Manchester on that day?

A. I did not.

Q. How came you not?

A. From something I had heard, that the people were to go without any sort of instruments whatever.

Q. That made you leave your stick behind?

A. That made me leave my stick behind me.

Cross-examined by Mr. Starkie.

Q. Did you get your hat again, Abraham; you went back for your hat?

A. Yes.

Q. Did you get it?

A. I did not.

Q. Perhaps you got a hat of somebody's else?

A. I saw a man waving his hand, and he saw I was without a hat, and he gave me one.

Q. Well, exchange is no robbery, you got one belonging to somebody else?

A. Yes.

Q. You say you are a cotton-spinner?

A. Yes.

Q. At that time?

A. Yes.

Q. At Oldham?

A. Yes.

Q. Who did you work for?

A. James Chadwick?

Q. What wages were you receiving?

A. I did not work by the week, what I earned.

Q. What was that?

A. I earned, at that time, about seventeen or eighteen shillings a week.

Q. Did you work all the week, except Monday?

A. All the week.

Q. How long before this had you been at drill ?

A. I never was.

Q. Never at drills ?

A. I had never no connection with them ; I disapproved of them ; I persuaded others to keep from them.

Q. You disapproved of them yourself, and endeavoured to dissuade others from going ?

A. Yes.

Q. Because you thought mischief might take place ?

A. I did not conceive any thing of that sort ; I thought it was the work of some incendiary.

Q. Were the persons women and children, you gave this advice to ?

A. Young men, just coming into men ; perhaps some of them up to eighteen.

Q. These were young men you advised ?

A. Yes.

Q. Most of the young men at Oldham ?

A. Those who I had conversation with, I advised.

Q. Was it at some club ?

A. No.

Q. Was it at the market-place ?

A. No.

Q. I should like to know where it was ?

A. In our own neighbourhood ; some go to each others' houses ; it often came into conversation, I advised them to the contrary.

Q. When they were talking politics ?

A. Not particularly ; no.

Q. Had you never the curiosity to go and see what these people were doing ?

A. No.

Q. You never went near them ?

A. No.

Q. You was never at White Moss ?

A. No.

Q. Nor Tandle Hill?

A. No; I am sure of it.

Q. At what time did you meet when you was going to Manchester?

A. Somewhere near eight o'clock.

Q. They came in different parties; we hear, from Lees and Moseley?

Mr. Justice Holroyd.—These are different towns?

A. Small villages or towns.

Q. Within two or three miles of each other?

A. Yes; the whole does not exceed three miles.

Q. What number might there be from these townships you describe as being within three miles?

A. I cannot speak to the number.

Q. Were there five or six thousand?

Mr. Justice Holroyd.—You have got that.

Q. Had they bugles?

A. I believe one, or an instrument of that description.

Q. You were used to the sound of the bugle, you have often heard it at night?

A. No, I had not.

Q. Will you swear you had not?

A. I will swear.

Q. Will you swear that on a Saturday night, or a Sunday morning, you had not constantly heard the sound of a bugle?

A. Yes, I will.

Q. Who commanded your division?

A. We had no commander.

Q. Who gave the word to march?

A. When the parties met at Oldham, it was arranged they should proceed by the sound of the bugle.

Q. All the four parties were to be governed by the sound of the bugle?

A. Yes.

Q. Of course they knew the sounds of the bugle, the sounds for marching ?

A. I do not know that they did.

Q. Did the bugle sound from time to time ?

A. On the road.

Q. To march and stop ?

A. It did.

Q. Had you a drum and fife ?

A. I believe a fife or two.

Q. And a drum or two ?

A. I believe there was one; I do not know whether there was more or not.

Q. Were the fifes playing and drums beating when you passed on to Manchester ?

A. Yes.

Q. In that array you went on to Manchester ?

A. Yes.

Q. Where did you first halt ?

A. At Failsworth.

Q. There you was joined by another considerable division ?

A. Yes.

Q. They had colours drums and fifes also ?

A. They had colours.

Q. Then the bugle sounded again, and you proceeded on your course ?

A. Yes.

Q. Keeping up your divisions ?

A. They were distinguished by their colours.

Q. Did you march in columns or single files ?

A. About five or six a breast.

Q. With nothing but slight sticks or switches ?

A. Nothing but the ordinary sized walking-sticks.

Q. In that way you marched into Manchester ?

A. Yes.

Q. Where did you first halt ?

A. In the neighbourhood of New Cross.

Q. And the bugle sounded ?

A. Yes.

Q. In order to be quite sure, when you got to the New Cross, all the little switches were thrown away ?

A. Not all ; some were thrown away.

Q. What course did you take from the New Cross to get to Peter's Field ?

A. Along Swan-street, down Shude-hill, by the Exchange, up Dean-street.

Q. That was not the direct way ?

A. I did not at that time know.

Q. You know now ?

A. Not the nearest way ; I believe it was through ignorance of the nearest road to the place, not knowing the nearest road to the field.

Q. So that out of the five or six thousand men with you, no one knew the nearest way ?

A. I cannot say.

Q. Was not the way you went, through the most crowded part of Manchester ?

A. I cannot say.

Q. Have you been there ?

A. I have been there.

Q. The part you went through, was it not the most crowded ?

A. I cannot say ; it is a very populous place ; a populous neighbourhood.

Q. You went by Shude-hill, through Hanging Ditch, by the Market-place, and into Dean-street ?

A. Yes.

Q. I believe that goes by the house of a person of the name of Murray ?

A. I do not know where he resides.

Q. You know where they stopped ?

A. Stopped where ?

Q. At Murray's house.

A. They never stopped at any place but the Cross, to the best of my recollection.

Q. Then you marched on to St. Peter's Field?

A. Yes.

Q. What time did you get to the field?

A. Sometime about twelve o'clock.

Q. Had the divisions of Stockport, Middleton, and Ashton, arrived?

A. I cannot say any thing of the divisions; but I saw a great number of people.

Q. Were there not many there at the time you got there?

A. There were.

Q. Flags?

A. There might be three or four flags when I arrived.

Q. And some afterwards?

A. Yes.

Q. You say at the time the cavalry came up, you had your back to them, you knew nothing of their coming?

A. I heard they were coming.

Q. You was then looking towards the hustings?

A. Yes.

Q. The flags were then ranged all round the hustings?

A. Some were in the crowd; I cannot be positive as to that.

Re-examined by Mr. Blackburne.

Q. At the sound of the bugle, when the bugle sounded what did you do?

A. Stopped.

Q. And when you was stopping, and the bugle sounded again, what did you then do?

A. Marched.

Q. It was not by the different tones?

A. No.

Q. Only by the sound?

A. Only by the sound.

Joseph Brierley sworn : examined by Mr. Blackburne.

Q. You are a hatter, and live at Oldham.

A. I am.

Q. Did you go with your townsmen, on the 16th. August 1819, to Peter's Field?

A. Yes.

Q. How far was it from you to the hustings?

A. As near as I can speak, five yards on the Deansgate side.

Q. Do you know where Windmill-street is?

A. I know where the Windmill public-house is ; I got my dinner there before Mr. Hunt came up.

Q. Did you see the line of constables from Mr. Buxton's house up to the hustings?

A. I saw no constables till the cavalry came up, not as I know of.

Q. Did you see the cavalry come up?

A. I heard the cry of the cavalry coming up, but I did not see them then.

Q. Where had they got to before you saw them?

A. They were coming, as near as I could think, eighty yards from the hustings when I first saw them, as near as I could see, to the best of my judgment.

Q. What were they doing then ; were they coming on?

A. Coming up to the hustings.

Q. Did you see at what rate?

A. They were coming at trot.

Q. When they came among the people what did you see?

A. They were making havoc ; cutting, and crying "murder" in every direction ; and "shame, shame."

Q. Did you remain at the place where the cavalry was, after you got to the hustings?

A. I was pushed back between two cellars in Dean-street, as near as from the Windmill public house.

Q. The Windmill public-house is near opposite to where the hustings was?

A. Yes; to what they call Mr. Buxton's house.

Q. Did you see any person taken from the hustings?

A. Yes.

Q. Well?

A. By the time it was over, that is, after the cutting away, I was thrust into this cellar; the railing broke, and I was thrust into the cellar, with many more.

Q. What I want to know is, whether you saw any thing of the cavalry after you got up to the hustings?

A. Yes; I saw them, undoubtedly, when the pressure drove me, and they were close up to me; I was forced into the cellar-hole; the railing broke.

Q. They had got past the hustings at the time?

A. Yes.

Q. Did you observe what became of the people?

A. After I got in the cellar I could observe nothing; I heard "murder" cried; there was a woman lay dead in the place.

Cross-examined by Mr. Serjeant Hullock.

Q. But you was not killed?

A. I was not.

Q. Were you a journeyman hatter or master at the time?

A. A journeyman hatter.

Q. You are so now?

A. Yes.

Q. With whom did you work in August, 1819?

A. I worked at the trade twenty-five years.

Q. With whom did you work?

A. By myself; I kept a shop of my own; piece-work.

Q. Who was your employer?

A. Mr. Barker.

Q. Did you work by the week or piece?

A. By the piece.

Q. Had you regular employment from Mr. Barker at that time?

A. At the time I had not; our trade varies greatly in its branches.

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Q. Was your branch at that time slack ?

A. It was.

Q. Then you was quite at liberty to go to any meeting ?

A. Yes ; my master never said any thing to me.

A. You was quite at liberty ?

A. Yes, quite at liberty.

Q. You had no employment at the time ?

A. Yes, in part.

Q. Not so much as you could do ?

A. I had not.

Q. Therefore you had leisure to attend meetings, either for drilling, deliberation, or settling the affairs of the country ?

A. With regard to drilling, I have been drilled, I have had a red coat on.

Q. What was you making at that time ?

A. I cannot tell ; if I had full employ——

Q. What was you making ?

A. Fifteen or sixteen shillings a week.

Q. Although you was not fully employed, you was making fifteen or sixteen shillings a week ?

A. Yes.

Q. Was you at the drilling at White Moss and Tandle Hill ?

A. I was never at White Moss in my life.

Q. Where was you drilled ?

A. At Bolton.

Q. Was you a soldier ?

A. Yes.

Q. You never was at any drillings before you went to Manchester ?

A. No.

Q. That you swear ?

A. Yes, I will.

Q. You never saw any ?

A. I never saw any to the best of my knowledge.

Q. Do you mean to swear that you never saw a drill at White Moss, or Tandle Hill, or Oldham ?

A. Never.

Q. You never saw any?

A. I never saw any.

Q. You never saw any party march out of Oldham to be drilled, or back again?

A. No.

Q. That you swear?

A. To the best of my recollection.

Q. Where did you meet on the morning of the sixteenth?

A. We met on the green at Oldham.

Q. Did the Oldham people meet there?

A. Yea.

Q. How was it arranged that you should meet at Oldham Green?

A. It was arranged, that we might go in proper order; that we might not go confused.

Q. How was it known that you were to assemble at Oldham Green: by what means did you learn that: how did you know that they were to meet at Oldham Green?

A. I do not know; it was represented up and down the country: I saw no writing or printing, only that there were to be a meeting at Manchester.

Q. How many divisions were congregated at Oldham Green?

A. Saddleworth, Oldham, and Royton.

Q. And Moseley?

A. Not as I know of.

Q. How you all contrived to come together at that hour, you do not know?

A. I never had orders to meet there; only seeing the requisition, seeing the people, I went.

Q. How far is Saddleworth from Oldham?

A. I cannot tell.

Q. You must tell.

A. I must not tell what I do not know.

Q. How far is Saddleworth from Oldham?

A. I cannot tell; it is such an extensive place, laying up the hills.

Q. Why, you have lived there?

A. Yes.

Q. And you mean to represent that you do not know the distance?

Mr. Justice Holroyd.—You are on your oath, you must state what you know.

A. If Lees be in Saddleworth, it may be three miles.

Q. Have you dined?

A. I have not.

Q. After the different divisions had assembled at Oldham Green, who put you in order?

A. The bugle.

Q. Who put the bugle in order?

A. I do not know; I heard the wind blow.

Q. Was there no person who assumed the command of this party?

A. No.

Q. That you swear?

A. Yes.

Q. Nor any man who acted as commander?

A. No.

Q. What is the name of the man who put the bugle in order?

A. I cannot tell you.

Q. Was he a man who belonged to Oldham?

A. I do not know where he belonged to.

Q. You began to march at the sound of the bugle?

A. If we were halted, we began to march at the sound of the bugle?

Q. The bugle ordered you to halt?

A. When it made a noise they stopped; and I, being in the rear, stopped too.

Q. And when it made a noise you marched again?

A. Yes.

Q. What time did you get home?

A. I got home,—it may be five o'clock in the afternoon; I cannot speak to an hour, but I was in Oldham before six.

Q. You cannot tell the numbers who were present?

A. I cannot.

Q. You can tell somewhere near, were there 5000?

A. Not 5000.

Q. How many do you think?

A. 6 or 800.

Q. 6 or 800 formed the outside of the different divisions?

A. Yes.

Q. Including women?

A. Women, children, and all.

Q. There were a great many women?

A. Yes.

Q. And children?

A. Yes.

Q. Then there were not above 300 men?

A. I cannot speak to that.

Q. Had you ever been at a Manchester meeting before that day; was you there on the 9th. August?

A. I was there when Mr. Hunt was there before.

Q. When was that?

A. I cannot justly tell.

Q. You cannot justly tell?

A. I cannot state the month.

Q. You can say whether it was a week or a year before?

A. I cannot say when the Meeting was.

Q. You heard him?

A. I heard him.

Q. Did he speak from a gig?

A. Not from a gig.

Q. What was it?

A. When I heard him, he spoke from the hustings.

Mr. Justice Holroyd.—The time before, what was it he spoke from?

A. I cannot say; I was at a great distance from him.

Q. You know Mr. Hunt?

A. By seeing him.

Q. You saw him on the 16th?

A. Yes.

Q. There was an immense concourse with him, he being the hero of the day ?

A. Yes.

Q. He was in an open carriage ?

A. I believe so.

Q. How many persons were with him ?

A. I cannot tell.

Q. Tell us all you know ?

A. I only knew him.

Q. Did you not know Mr. Johnson ?

A. No.

Q. Or Carlile ?

A. No.

Q. Were any women along with him ?

A. I cannot recollect.

Q. Do you mean to say you have any doubt of it ?

A. I cannot say, there might be one with a banner.

Q. Have you any doubt about it; condescend to swear to a little truth: do you mean to swear you do not recollect there was a female in the dickey of the carriage in which Mr. Hunt was ?

A. I cannot recollect.

Q. Do you not recollect whether there was a woman or not ?

A. No.

Q. Did you ever go to Rochdale ?

A. Yes.

Q. You worked at Rochdale ?

A. Yes.

Q. Was you ever at any meeting for obtaining reform ?

A. No.

Q. Was you ever at any meeting there; I do not mean a public meeting, but in a room ?

A. Never in my life.

Q. Or at Oldham ?

A. Never in my life, nor at any other place.

Q. Nor at Manchester ?

A. Not at Manchester.

Q. Did you not tell us you were?

A. Not at a private meeting in a room.

Re-examined by Mr. Blackburne.

Q. Is Saddleworth an extensive district?

A. Yes, it borders on Yorkshire.

Q. It is all in Yorkshire: — pray is Oldham green nearer Manchester than Oldham market-place?

A. It is.

Joseph Hindle sworn: examined by Mr. Evans.

Q. You are a weaver at Little Bolton, I believe?

A. Yes.

Q. Was you present at the meeting at Manchester on the 16th. August?

A. Yes.

Q. What part of the field was you at?

A. On the north side, by the Windmill public house, the further side from the Windmill.

Q. What did the meeting consist of?

A. Men, women, and children.

Q. What hour did you arrive at the field?

A. Twelve o'clock, or a little before that.

Q. Was the meeting peaceable?

A. Yes.

Q. Did you see the Manchester Yeomanry enter the field?

A. Yes.

Q. State what you saw them do.

A. The last time I saw them was by a wall; it was the first time I was in Manchester. It was by a wall nearly opposite Mr. Buxton's house, and they came down there; when they had got near the hustings they began to form a circle.

Q. What did they do then?

A. They started to begin to cut.

Q. Did any thing occur to you?

A. Yes, I was wounded in my right arm.

Q. By whom was you wounded ?

A. I could not identify the person.

Q. Was it one of the yeomanry ?

A. Yes.

Q. What did you do then ?

A. I was striving to make my escape, but could not, owing to the press of the people that were before me. To keep the blow from me, I stooped under the horses ; and they cut an old man with a grey head over the head, and the blood spouted over my breast.

Q. Did you see any thing more ?

A. After they had out as long as they well could, they drew back to let us go.

Q. You went away ?

A. Yes.

Q. Did you see any stones thrown at the cavalry ?

A. No ; they could not stoop to throw stones until the ground was cleared.

Q. Did you see any resistance made to the cavalry ?

A. No.

Cross-examined by Mr. Serjeant Cross.

Q. You went from Bolton that day ?

A. Yes.

Q. That is about ten or twelve miles from Manchester ?

A. Yes.

Q. How did you happen to go ?

A. A few of us was standing in front of the door, and I wished to go to Manchester to see the Hunt meeting ; and I had a sister-in-law at Manchester I wished to see too.

Q. How many were there of your party ?

A. There were four of us, and we overtook six or seven.

Q. Then it was by mere accident you went, you had no intention of going before ?

A. I had no intention of going, it was too far.

Q. Was that the first meeting you had been at ?

A. Yes.

Q. Of any kind ?

A. Yes.

Q. How far do you live from a place called Cockey Moor?

A. Four miles.

Q. Were you ever at any meeting there?

A. No.

William Cheetham sworn: examined by Mr. Evans.

Q. You are a weaver at Little Bolton?

A. Yes.

Q. Was you at Manchester on the 16th. August?

A. I was.

Q. At the meeting?

A. Yes.

Q. In whose company did you go from Bolton?

A. Of one man of the name of Tannow.

Q. At what part of the field was you?

A. The lower part of the hustings, the side towards the New Bailey.

Q. What street is it towards?

A. Towards St. Peter-street.

Mr. Blackburne.—That is the opposite side of Windmill-street.

Q. What did the meeting consist of?

A. Men, women and children.

Q. What proportions of each?

A. A great proportion of each.

Q. Was the meeting peaceable and quiet?

A. Very, as far as I saw.

Q. Were the people armed in any manner?

A. No.

Q. Did you see the yeomanry cavalry come into the field?

A. I saw them just as they got up to the hustings, not before?

Q. Did you see them do any thing?

A. Yes, I saw them strike the people with their swords.

Mr. Serjeant Hullock.—Does your Lordship think this is evidence? not one of these defendants is shewn to have been upon the spot.

Mr. Justice Holroyd.—It may probably be evidence by way of anticipation; but the correct way certainly would be, in the first place, to prove the trespass as laid in the declaration.

Mr. Serjeant Hullock.—I am aware of their object, which is to create a prejudice. I submit that they must prove that the defendants were present; I do not even know to what time of the day the evidence refers: if they first prove the trespass, we shall have some insight to the subject.

Mr. Justice Holroyd.—The proof of the trespass certainly should be introductory to the other evidence: because, then, we shall be able to judge what was evidence and what was not.

Mr. Serjeant Hullock.—I feel no anxiety but for the regularity of the proceedings.

Mr. Evans.—I submit we have a right to marshal our case as we please.

Mr. Justice Holroyd.—There is one plea of not guilty: therefore the first thing is to prove the trespass; for if that is not proved, all the rest of the proof is unnecessary.

Mr. Evans.—There is a decision which shews we may go into the whole of our case.

Mr. Justice Holroyd.—If a question arises about the evidence, it may be necessary to go on in the regular way.

Q. What happened to you?

A. I was severely cut.

Q. By whom?

A. By a trumpeter.

Mr. Evans.—He is one of the defendants.

Mr. Justice Holroyd.—The present action is for a compensation in damages. What was done to this person, except as far as it may go to the other issues, is not evidence.

Mr. Serjeant Hullock.—In strict regularity, they ought to prove the trespass first. There is no use in going into this evidence, except they prove the trespass; it can only tend to produce an unjust prejudice. I must beg, after this, that my friend will proceed in the regular way.

Q. What became of you after you was wounded?

A. I went, and was dressed by a surgeon of the name of Hanson.

Q. Did you see any stones thrown at the military?

A. No.

Q. Did you see any resistance made to them whatever?

A. Not in the least.

Cross-examined by Mr. Littledale.

Q. You live at Little Bolton?

A. Yes.

Q. You are a weaver there?

A. Yes.

Q. Was you ever at any of the drills at Cockey Moor?

A. I never heard there were any.

Q. Was you never at any meeting at Cockey Moor?

A. No.

John Davenport was next called.

Mr. Justice Holroyd.—Is that for the trespass?

Mr. Evans.—No it is not.

Mr. Justice Holroyd.—Go on to prove your trespass.

Mr. Serjeant Cross.—For any thing that appears at present, none of the defendants in this action were there that day.

Mr. Justice Holroyd.—The ground of the action should first be proved.

Mr. Evans.—I submit that we are entitled to give this evidence. It has been decided by several of your Lordships, that a certain discretion is to be given to counsel, that they will not give evidence wholly unnecessary; and if counsel were required to marshal their case as their adversaries wished, instead of justice being obtained, the contrary would be the case: I state, as counsel, that it is our intention, and we shall fully prove, that one of these defendants did wound the plaintiff. These defendants came in a body into the field, and I contend they are all jointly liable for any act of trespass.

Mr. Justice Holroyd.—That depends on circumstances. I apprehend you must first prove your trespass. There is a plea of not guilty. If the trespasses are not proved, all the rest is immaterial; and it depends on the proof of those trespasses, whether many of the

circumstances given in evidence are evidence, or not. I have constantly known it done : as in cases of ejectment, the judge puts the party to prove possession first, to see whether the other proof applies to the tenement for which the action is brought or not.

Joseph Prestwich sworn : examined by Mr. Blackburne.

Q. You are a weaver, I believe, and live at Droylsden near Fairfield ?

A. Yes.

Q. How far is that from Manchester ?

A. About five miles and a half.

Q. Do you know Alexander Oliver ?

A. Yes, sir.

Q. Do you know Thomas Redford, too ?

A. Yes.

Q. How long have you known them ?

A. I suppose I have known Redford, might be about fifteen years ; and Oliver I have known about ten.

Q. Do you know whether he was one of the Manchester yeomanry cavalry ?

A. Yes, sir.

Q. Did you see him on the field on the 16th. August 1819 ?

A. Yes, sir.

Q. And Oliver ?

A. Yes.

Q. Did you see Redford there too ?

A. Yes.

Q. Whereabouts was it from the hustings that you saw Redford first ?

A. I saw him where he was cut, near by the Quakers' meeting-house, amongst some timber.

Q. Was that over Peter-street, from the hustings ?

A. Yes.

Q. On the other side ?

A. Yes.

Q. You saw you saw Redford cut ?

A. Yes.

Q. Did you see his face before he was cut ?

A. No ; I did not : when he received the blow he turned round so sharply on me—knowing Oliver before : he was amongst the timber.

Q. You had seen Oliver before that ?

A. I had seen him about twenty yards from the hustings, at first when I saw him.

Q. Who was it that you saw cut Redford ?

A. Oliver.

Q. You say Redford was near the Quakers' meeting-house ?

A. Yes.

Q. Where was he struck ?

A. He was struck upon the shoulder : I was expecting it would take one side of his head, when I see the sword move.

Q. When you saw him strike, what did you do ?

A. I was busy making my escape as well as I could, expecting that would be the case with me.

Q. Were there any other of the yeomanry cavalry on the ground at this time ?

A. Yes, there were several others cutting in the same manner.

Q. You perhaps were not acquainted with any others, were you ?

A. Yes, I knew Samuel Harrison.

Q. What time of day was it when you went to the meeting, what time did you get there ?

A. It was between eleven and twelve, might be near twelve.

Q. Did any body go with you ?

A. There was about six or seven.

Q. From your village, your neighbourhood ?

A. I was set down to breakfast when they came and invited me :

Q. In what part of the field did you first take up your position ?

A. The first place I offered to go to, was near the gentlemen's houses, and there constables were fixed : I wanted to go through them, and they objected ; so I took down betwixt the multitude, and took the other side of the hustings, and found myself between the hustings and Windmill-street, near the end, towards Mr. Buxton's house.

Q. Did you see the cavalry come up afterwards to that place?

A. Yes sir, I staid there and saw them when they first appeared in sight: when they appeared in sight, they came up in a short canter, to my recollection.

Q. That was before they came in front of Mr. Buxton's house?

A. Yes.

Q. After they came in front of Mr. Buxton's house, did you see them then set off towards the hustings?

A. Yes sir, I did; I saw them waive their swords before they set off.

Mr. Justice Holroyd.—What was the first you observed?

A. To my recollection, there was one singled him out in front of them.

Q. What was he, do you recollect?

A. I do not recollect what he was; but he came a few paces, and the others followed him down the line of the constables:

Q. At what speed were they coming?

A. They were coming a canter, as usual, before they halted.

Q. By this time, in what manner had the meeting of the people conducted themselves?

A. Very decently: I would not have gone, if I had any suspicions.

Q. I only ask how they did conduct themselves in fact?

A. They conducted themselves very peaceably and quietly.

Q. Did you see the cavalry then come up to the hustings?

A. Yes.

Q. Did you see any sticks, any stones, or brickbats, thrown at them?

A. No, sir, I did not.

Q. Were you taking notice of them at the time?

A. Yes, I was.

Q. When they came up to the hustings; what did you see done?

A. I was between Windmill-street and the hustings; and they came close by me, and they made several blows at the people as they were going by me.

Q. Did they come near you?

A. Yes.

Q. Did any thing happen to you personally ?

A. Yes ; I got a little cut there, and on my knee ; I just knocked my hand out of the way, and the point of the sword struck down my finger.

Q. When they got up to the hustings, what did they do ?

A. They began to clear the hustings ; some of the people jumped off, and some they struck at.

Q. Some people jumped off ?

A. Yes.

Q. After they had got to the hustings, what then became of them ?

A. They began to clear the way. One part of them, when I began to make my way, surrounded the hustings, and the other were making their way among the people.

Q. Which way ?

A. All ways ; some towards Deansgate ; some towards St. Peter's Church.

Mr. Blackburne.—St. Peter's Church is on the right side of your plan, my Lord ; Deansgate is on the other side.

Q. You mean the people that went away ?

A. Yes, and the Cavalry after them.

Q. Which way did you go ?

A. I offered to go down into Deansgate.

Mr. Justice Holroyd—You mean, attempted ?

A. Yes.

Q. What prevented you ?

A. The cavalry was cutting so by the Quakers' meeting-house that I made the best of my way towards the opening that was between the meeting-house and a new building where the timber lay.

Q. You turned back ?

A. I attempted to go down Deansgate, but I could not get down, so I made my way there.

Q. Where ?

A. I do not know the street ; it was where the timber lay.

Q. Do you know Mount-street ?

A. I am not acquainted with that part of the ground.

Q. Which way did you go?

A. I went up a street till I got to a bit of a bye street.

Mr. Justice Holroyd.—How did the cavalry cutting away by the Quakers' meeting-house, prevent you getting into Deansgate?

A. I saw them there, and I durst not go.

Mr. Justice Holroyd.—The Quakers' meeting-house is a different way.

A. No, not to Deansgate.

Mr. Justice Holroyd.—It is in the plan: the Quakers' meeting-house is at the other side of the hustings.

Q. You were on Windmill-street side?

A. Yes.

Q. You attempted to make your way towards Deansgate?

A. Yes.

Q. Where were you when you attempted to make your way towards Deansgate?

A. From the Windmill-street.

Q. Do you know Peter-street, the wide street between the place where the hustings were, and the Quakers' meeting-house?

Witness.—Is that it that goes from St. Peter's Church down to Deansgate?

Mr. Blackburne.—Yes.

Witness.—That is the way I was walking across.

Q. Where was it you saw the cavalry that prevented you?

A. I spied them on the left, and I took straight to my right towards the new building.

Q. How far from the Quakers' school is this new building?

A. It must be it: the timber lies within the new building and the Quakers' meeting-house.

Q. Then you made your way towards there?

A. I made my way up there.

Q. Was it about there, where you saw Oliver cut Redford?

A. It was among the timber.

Q. How did you get away?

A. I went up there till I got to a gentleman's back place, where

there were some trees planted: the cavalry was hemming me in on both sides, and I took over the wall, rails and all.

Q. There were some rails, as well as a wall?

A. There was a wall built, and pieces of stone lying, and I jumped on the edge of the stone, and threw my legs over the rails.

Mr. Justice Holroyd.—By the Quakers' meeting-house, the cavalry were cutting?

A. Yes.

Q. Was there any cavalry in any other part of the field besides that?

A. Yes, there were, different roads.

Q. Now, how long was it from the time you lost your first situation, to the time of your getting over the wall?

A. It might be between five and ten minutes.

Cross-examined by Mr. Serjeant Hullock.

Q. You have not told us yet, what carried you to this meeting?

A. I went merely for curiosity.

Q. Did you always go from curiosity to these meetings?

A. I never frequented meetings; but I was advised by some of my neighbours to go and see it, as it would be a grand sight.

Q. You was told it would be such a meeting as was never seen before in any of the county?

A. No.

Q. How many told they tell you would be there?

A. They did not mention any number.

Q. Who did you go with?

A. I went with about six or seven of my neighbours.

Q. Was there any division, or any party, went from your place?

A. No.

Q. Your friends went merely from curiosity?

A. Yes.

Q. You are a weaver?

A. Yes.

Q. You had known Redford a long time, you say?

A. Yes, about eighteen years.

Q. Was you perfectly acquainted with him?

E

A. I was apprentice to a brother-in-law of his, and went twice a week to the place where he lived.

Q. Where does he live?

A. At Audenshaw, near Ashton.

Q. Did he live there at the time of this meeting?

A. No.

Q. How long before this meeting was it that you saw Redford?

A. I had not seen him, not for two or three years.

Q. Have you seen him since the meeting?

A. Yes.

Q. You saw him the day when he marched on the ground with his colours?

A. No; I did not see any march.

Q. When you saw him attacked by the Yeomanry, or the Manchester Cavalry, or some person or another, had he then his colours, or had he left them?

A. I did not take notice; I was too busy making my way on; I cannot recollect whether he had them with him when he was cut.

Q. You saw him with the colours before: I believe they were green colours?

A. No; I did not see him at all before.

Q. You mean to swear you never saw him with the colours on that day?

A. I will.

Q. How was he dressed?

A. I did not take particular notice.

Q. Perhaps he was another man?

A. He had a yellow waistcoat on.

Q. You were examined at Oldham?

A. Yes, Sir: no, I was not; at the Star Inn.

Q. You were examined on the subject at Manchester, at the Star Inn?

A. Yes.

Q. There you said you saw a yeoman cut an old man, did not you?

A. Samuel Harrison.

Q. You saw him cut an old man, and a woman on the breast; you did not say any thing about this, then?

A. Yes; I did.

Q. How was the man dressed, the soldier dressed?

A. He was dressed in light blue, and white facings.

Q. I was speaking of the person who cut your friend Redford?

A. I did not take particular notice of the dress.

Q. Then you cannot tell us any more than that he was dressed in a light blue jacket, with white facings?

A. Yes; that is all. I know his features.

Q. What sort of a horse did he ride?

A. I did not take notice; I did not notice his horse.

Q. Was he upon a horse?

A. Yes.

Q. Was it black or grey?

A. I did not notice it; it was not a grey.

Q. It might be a black one?

A. I did not notice it.

Q. Were they all dressed alike—the Yeomanry?

A. I did not notice them.

Q. You knew Oliver some time you say?

A. I have known him by his coming into our neighbourhood. He has a relation, James Booth, the carpenter; and he comes to the public-house where I was; and he often went to their house, when he went to town: that was in Shudehill.

Q. That was the first time you saw that person on horseback?

A. No; it was not.

Q. Where did you see him before?

A. About twenty yards from the hustings, the first I saw of him.

Q. Whereabouts was it that this cut was inflicted?

A. Towards the Quakers' meeting-house.

Q. What business had you there; do you mean to say, you could not have got into Peter-street, without going to the Quakers' meeting house?

A. I was making the clearest way, as I thought; but we were hemmed in on all sides. I thought of going down Deansgate; it was the road that I knew.

Q. You were beside the hustings, you said, originally?

A. Yes, when I first came on the ground.

Q. I ask you, if you were anxious to get into Deans-street, if your course would not have been up Peter-street; by Windmill-street, or up Lad Lane, you might have gone?

A. I will tell you. I was forced again a building, where there is no window; and there I made my way to have attempted to go down Deansgate, and then I made on to the timber.

Q. Therefore you went directly the contrary way?

A. Yes, right across.

Q. By way of attaining your object, you took the longest way about?

A. There was not so many, as I thought, there, and so I made my way there.

Q. I want to know why you did not make your way where there was no person or horse to prevent you?

A. I could not find that way.

Q. Do you mean to swear you tried Peter-street, and found obstructions there?

A. I run across Peter-street.

Q. You did not try to make your way out at Peter-street?

A. I was hemmed in of all sides, and I looked for the way I could go the clearest.

Q. Did you try to get up Peter-street?

A. No, I did not.

Q. The only reason was, because you might have gone that way.

A. You did not see what I saw or else ————

John Davenport sworn: examined by Mr. Evans.

Q. You are a weaver at Stockport?

A. Yes.

Q. Were you at the meeting at Manchester on the 16th August, 1819?

A. Yes.

Q. How many did you come with from Stockport?

A. I came alone with myself.

Q. What hour did you come on the field?

A. Perhaps near eleven o'clock.

Q. Did you see the Manchester Yeomanry come on the field?

A. No, Sir; I did not see them till they came about four yards off me — behind me.

Q. What part of the field were you in?

A. I cannot tell you.

Q. What did you see the yeomanry do?

A. I made my escape to the hustings; the yeomanry came round the hustings, and I was stricken with a mace. I made my escape to get on to the hustings, out of the way.

Q. What happened to you?

A. I was stricken with a mace, and I saw an opening between the yeomanry, and I made my escape to go out; and when I got out, the blood was running down.

Q. What made your blood run?

A. Why, I was cut by the yeomanry cavalry.

Mr. Justice Holroyd.—Do not you give other evidence about the trespass?

Mr. Evans.—We have proved one of these defendants committed the trespass.

Mr. Justice Holroyd.—You must prove the others did; the regular way is to go to that.

Mr. Evans.—I never knew Counsel prevented from following their own course.

Mr. Justice Holroyd.—I have known them constantly required to prove the trespass; because the Judge must know whether these things are or are not evidence, and how to apply them.

Mr. Evans.—I submit that having proved one of the cavalry struck this man, his cut is the cut of all, if they were acting illegally: we are shewing that now. It will be for the opposite party to shew they had some justification.

Mr. Serjeant Hullock.—My learned friend misconceives the question altogether. He is only shewing that which he shewed before; that other individuals, with whom no connection subsisted between them and the defendants, made cuts, and did so and so.

Mr. Evans.—In a trespass, all persons aiding and assisting and abetting, are principals, and all equally liable. It is scarcely worth my while to contend it, because we shall prove every one of these defendants were there, and were cutting.

Mr. Justice Holroyd.—The first thing to be proved is the trespass, which is the ground of the action. It being denied there was a trespass committed by the fault of any of the parties, you lay your foundation by proving the trespass. By way of anticipation, you are at liberty to go and disprove that which may be let in, by way of defence; and the way would be, to affect the persons as trespassers, to do that first; because you may not be able to give some of the things in evidence, as to some of the parties, without doing that. You have proved a trespass against one at present, and which may or may not affect the others.

Mr. Evans.—We prove him one of the Yeomanry, and we are to prove the other defendants were Yeomanry and were present.

Mr. Justice Holroyd.—You have given no evidence this man was under the command of any of the others. I am only doing that which I should do in any other case; to give such proof as you have of the trespass, then to anticipate the answer to that which they allege as their justification.

Mr. Evans.—Does your Lordship wish that I should not finish this witness?

Mr. Justice Holroyd.—You may go on if you please. I am only suggesting that is the course. Then one applies one's mind to the evidence, as it affects the different persons. It simplifies it.

Mr. Evans.—I have only another word to ask him.

Q. You were wounded?

A. Yes.

Mr. Serjeant Cross.—That is what we think we have a right to object to. In an action for an assault on A, you call B, C, and D, to prove they were assaulted by somebody.

Mr. Serjeant Hullock.—The Yeomanry Corps came riding in: whether or not they had sufficient legal ground for that, and the other acts they did, is the question; but what these particular men suffer cannot be evidence on this action.

Mr. Evans.—I only give the evidence to prove the fact of their committing an assault on the people.

Mary Dowlan sworn: examined by Mr. Evans.

Q. Do you live in Lad-Jane Manchester?

A. Yes, sir.

Q. Were you at the meeting on the 16th. August 1819?

A. Yes, sir, I was.

Q. Of what did the meeting consist?

A. Men, women, and children.

Q. What hour did you get there?

A. Between nine and ten in the forenoon.

Q. Are you acquainted with Captain Birley?

A. Yes; I knew him many years ago: I worked at the factory.

Q. Did you see him on the ground that day?

A. Yes, sir; I did.

Q. Do you know Meagher the trumpeter?

A. Yes, sir.

Q. How was Mr. Birley dressed that day?

A. In his regimentals.

Q. Was he on horseback?

A. Yes, sir.

Q. Were there many men with him in regimentals?

A. Yes; there was the Cavalry.

Q. Did he appear to command them?

A. Yes, he did.

Mr. Serjeant Cross.—Appear to command!

Mr. Evans.—It is not worth disputing.

Q. How was Meagher dressed?

A. In regimentals.

Q. What is he, in the corps?

A. A tailor, sir, by trade.

Q. What is he, in the corps?

A. A trumpeter.

Q. Was he with Captain Birley, with the rest of the corps?

A. He was the first that I saw coming in.

Q. Was the meeting peaceable?

A. Very peaceable, sir; as peaceable as this court is at present, for any hurt.

Q. What did you see the Cavalry do?

A. Cutting the people as soon as they came in.

Q. Did you see any persons wounded?

A. Yes; I did, sir. I dressed fourteen wounded men in my own house, and took them in.

Q. What part of the field were you in?

A. I was close to the hustings before the Manchester people came in; and I was drove back twelve or fourteen yards, as near as I can think, from the hustings.

Q. Did you see any stones thrown?

A. I did not, sir.

Q. Did you see any resistance made?

A. I did not, in the least.

Mr. Justice Holroyd.—Ask her whether she means between the hustings and Mr. Buxton's, or how?

Q. From what part of the field did you see them cutting; before they were cutting, when you were driven, where did you first stand?

A. The back of the hustings.

Mr. Justice Holroyd.—Was it between the hustings and the Windmill public house?

A. Yes, my Lord, it was.

Mr. Evans.—Your Lordship has taken that she said there was no resistance.

Mr. Justice Holroyd.—She said, "nor any resistance of any kind."

Cross-examined by Mr. Serjeant Cross.

Q. What are you?

A. I am a char-woman at present.

Q. You live at Manchester ?

A. Yes.

Q. What country have you come from ?

A. Denbigh, in Wales : I have resided in Manchester upwards of thirty-nine years.

Q. Whereabouts is your house ?

A. I live in Bank Top at present : I lived in Lad-lane at that time.

Q. You took your station very early that day ?

A. Yes.

Q. What time was it when you left ?

A. When the Cavalry began a murdering and cutting the people, I left them : I thought it was time.

Q. They did not murder you ?

A. No ; I have to thank one of the 16th. for saving me, else I must have been cut.

Q. Did you attend other meetings ?

A. Yes ; I had been at other meetings on the field, because I lived so near it.

Q. You have attended most of the meetings ?

A. Yes ; I went to look at them all ?

Q. What was called "the Blanket meeting ;" you were at that ?

A. Yes ; I saw that.

Q. You have rather a turn for that sort of thing ?

A. I had a mind to see it, as well as other people, when I lived so near.

Q. How many of them do you think you have attended in all ?

A. I cannot say, indeed ; I did not keep an account of the meetings.

Q. You only kept an account of the patients ?

A. I might vary well ; when my house was liker to a slaughter-house, than to a christian's house, with human blood.

Re-examined by Mr. Blackburne.

Q. You were asked whether you was murdered : how was it prevented ?

A. By one of the 15th. Hussars : he put up his sword against

Tebbutt, the tallow chandler, that was cutting at me, and he put his sword up to save me.

Samuel Dawson sworn: examined by Mr. Bous.

Q. Where do you live?

A. The top of Deansgate, in Manchester.

Q. Were you at the meeting on the 16th. August, 1819?

A. Yes, sir.

Q. At what part of the field?

A. Between fifty and sixty yards from the hustings.

Q. Which side of the hustings were you?

A. Leading towards the Quakers' meeting-house.

Mr. Justice Holroyd.—You were on the side between the hustings and the Quakers' meeting-house?

A. The front of the hustings.

Q. You call that the front of the hustings looking towards the Quakers' meeting-house?

A. Yes.

Q. Of what did the meeting consist?

Mr. Justice Holroyd.—Some of them have spoken of it as being a meeting of men, women, and children.

Q. Was the meeting peaceable?

A. As peaceable as could be.

Q. Did you see the Manchester Yeomanry come on the ground?

A. Yes, sir, I did; they came up the line of the constables, and surrounded the hustings.

Q. What did they do?

A. When they came in, they began a cutting the people and trampling on them. I then turned myself round to make the best of my way off the ground; we turned ourselves round: there was so many people making their way off the ground, they tumbled one over the other, and I was one of the people on the ground. After being trampled down, I was a long time before I could get off the field: after recovering, I saw a great many very ill wounded; one young woman with her hand nearly cut off from the wrist. I then made my

way across the road into Roger's Row, me and many more, and two of the cavalry riding after us : me and five others took up an entry in Roger's Row. There was no way out at the top end ; one of the yeomen stood at the entry end.

Q. You knew the man ?

A. Yes ; Withington.

Mr. Evans.—That is one of the defendants, my Lord.

Q. What did Withington do ?

Mr. Serjeant Hullock.—This is no evidence on this action ; this is an action by Redford.

Mr. Justice Holroyd.—The way Mr. Evans puts it is thus ; whether so made out or not will be seen in the event. He is stating, at present, that what the cavalry did at that time, was unlawful ; the act of one, if it was for a common purpose, would be the act of the others ; and therefore they offer it as evidence in that way.

Mr. Serjeant Cross.—I submit they must prove that Withington was in company with Oliver, who is said to have wounded the plaintiff ; for at present, there is no evidence these two were ever in company.

Mr. Justice Holroyd.—At present, it only appears as if there was one company of the Yeomanry Cavalry rode up ; whether there were more or not, we shall see.

Mr. Serjeant Cross.—Until it appears that Withington came with Oliver, or was with him at some time, I submit the fact of his being one of the Yeomanry, is not of itself sufficient.

Mr. Justice Holroyd.—In order to bring the thing home to the persons, the evidence must consist of different parts ; it cannot be given at once. If it appears it will not bear a connection, or is likely to bear a connection, we do not suffer it to be given at the first : they are stating that they make out the chain, as in the case of a conspiracy, and so on. You prove things against one man with respect to one part of the transaction, and another thing with respect to another : it may or may not turn out as common to all. If what they were doing was lawful, the act of one is not the act of another ; or even if it was unlawful, unless it was in the execution of a common purpose.

Q. Do you know what situation Withington holds in the corps ?
was he an officer ?

A. Yes.

Mr. Justice Holroyd.—Was he an officer in the same company that Captain Birley was ?

A. I do not know ; he was an officer in the corps.

Q. You did not tell us what Withington said to you ?

A. He presented his pistol up the entry, and swore if we would not come out, he would blow our brains out : I then turned myself round and saw ———

Mr. Justice Holroyd.—You need not pursue that : what he did to this man is not material.

Mr. Evans.—It is only to shew he was committing an assault.

Mr. Serjeant Cross.—To create prejudice ; we know what it is for.

Q. Did you see any stones thrown ?

A. I did not.

Q. Did you see any resistance made to the Cavalry whatever ?

A. No ; I took up a stick, coming out of the entry end.

Cross-examined by Mr. Littledale.

Q. You live at Deansgate ?

A. Yes ; Deansgate.

Q. What led you to this meeting ?

A. I was getting a glass of ale, and I drank my glass up, and I went to the ground to look.

Q. You had your dinner and a glass of ale ?

A. I had one glass of ale.

Q. A pretty large glass ?

A. I only paid two-pence for it.

George Burgess sworn : examined by Mr. Blackburne.

Q. In 1810, you lived at Manchester ?

A. I did.

Q. Did you keep the Hen and Chickens public house there ?

A. I did sir.

Q. Were you, at that time, one of the Yeomanry Cavalry?

A. I was.

Q. Whose troop was you in?

A. Captain Birley's: I belonged to his troop, but I was not in it on that day.

Q. Who were the other officers of that troop?

A. I rather think Moon was the Lieutenant.

Q. Was Withington an officer in that troop?

A. He does not belong to the same troop.

Q. Did you see Withington on the ground that day?

A. I did, Sir.

Q. And Oliver?

A. I cannot speak to Oliver; I hardly know him when I see him.

Q. Did you see Lieutenant Moon there that day?

A. I did, Sir.

Q. Where was the troop when you joined them on that day?

A. At Pickford's.

Mr. Justice Holroyd.—I thought you said you were not with them that day.

A. I was with them, my Lord.

Mr. Justice Holroyd.—Then I misunderstood you.

Witness.—I said I was not in Captain Birley's troop; I was disappointed of a horse by the man who generally provided me one, and consequently I had to go and hire, and that drew me out of the time of mustering, and I went to the place where I thought there was any of them mustered.

Mr. Justice Holroyd.—You was on the field that day, but not with Captain Birley's troop.

A. No.

Q. That was so, was it?

A. Yes.

Q. You say you joined them in Pickford's yard?

A. I did.

Q. From Pickford's yard you took your course up Portland-street?

A. Into Park-street, and towards the ground.

Q. Was Captain Birley with you in Pickford's yard?

A. He was not.

Q. Where did he join you?

A. In Mosley-street.

Q. That was before you got on to the ground?

A. Yes.

Q. You formed, I understand, opposite to Mr. Buxton's house?

A. We did, Sir.

Q. Who led you on up to the hustings—who commanded you?

A. I cannot say exactly whether it was Captain Birley or Captain Hindley; they were both there; who commanded them I cannot say.

Q. In your way up to the hustings, did you see any stones thrown?

A. I did not, Sir.

Q. Or any thing else of the kind?

A. Nothing of the kind.

Q. Was any forcible resistance made to you at all?

A. Not till after we had surrounded the hustings.

Q. After you had surrounded the hustings was any thing done to you?

A. When the orators were taken away, then, a little time after that, there were stones and bricks flying in all directions.

Q. How long after that, and where?

A. It was about ten minutes after; after Hunt was taken to the Magistrates; for I received a hit on the right leg myself.

Q. Where were you at the time?

A. Near Windmill-street.

Q. How long was that after Mr. Hunt was taken from the hustings?

A. Five or ten minutes.

Q. Was that after or before the people had begun to disperse?

A. After.

Q. In your way to the hustings, had you seen any thing done to any of the people?

A. I had not.

Q. Did you ride up with drawn swords?

A. Yes, Sir.

Q. Was nothing done with them, in your way to the hustings?

Mr. Serjeant Hullock.—Ask what was done.

Q. Did you see any thing done with the swords at the hustings, and before you got there?

A. No; nothing at all was done before we went to the hustings, not with swords.

Q. When you got to the hustings, was any thing then done?

Q. I saw swords up and swords down, but what they did I cannot say.

Mr. Justice Holroyd.—When?

A. When we had got to the hustings?

Q. You do not know what effect it had?

A. Not at all.

Q. With reference to this time, when was it that the stones were thrown—before or after?

A. After.

Q. Did you see any thing of any body after that; did you see any person that was wounded any where?

A. I saw many lying on the ground.

Mr Justice Holroyd.—When was that?

A. After we had surrounded the hustings, my Lord.

Q. Whether wounded or not, you cannot say?

A. I cannot say, my Lord, whether they were or not.

Cross-examined by Mr. Starkie.

Q. When was it you was turned out of the Yeomanry Corps?

A. I never was turned out.

Q. Do you mean to say that?

A. I do.

Q. When did you leave the corps?

A. I left them in December, 1819; I was not turned out, I gave up.

Q. Do you mean to swear it was not insisted you should leave the corps?

A. It was not.

Q. That you swear?

A. I will swear.

Q. What are you?

A. I am a coachman or guard occasionally, in Manchester; I take extra turns.

Q. What are you at other times?

A. A Gentleman's Servant, I have been, previous to keeping a public-house.

Q. Do you keep a public-house still?

A. I do not.

Q. Was not your license taken away from you for keeping a disorderly house?

A. No, never.

Q. When did you give up keeping a public-house?

A. The beginning of December.

Q. Do you mean to say your license was not taken away?

A. I do mean to say so.

William Entwisle was called: before he was examined, Burgess was called back, and his cross-examination continued.

Q. Major Trafford was the Commanding Officer, I believe?

A. He was.

Q. And went up with the troop?

A. I cannot say, positively.

Q. Withington was not in Captain Birley's troop?

A. He was not, I think.

Q. Don't you know that, in fact, he was stationed at another place that morning?

A. I know he was; he was not stationed with us.

Q. Withington is also a Captain in the yeomanry?

A. A Lieutenant.

Q. Was he so at that time?

A. He was.

Q. But he was not stationed with you on that day?

A. He was not.

Q. Nor went upon the field with you?

A. Not with us.

Q. Was he in the troop that went up to the hangings?

A. He was not, to the best of my knowledge.

Q. You say Major Trafford was there?

A. To the best of my recollection, he was there.

Mr. Justice Holroyd. — I have got that he said Major Trafford was Commanding Officer, but he did not know whether he went up with the troop.

Q. Do you recollect who went up with the troop?

A. I do not know.

Q. Do you know whether he went with you to the ground?

A. I cannot speak to that.

Q. Or where you first saw him?

A. Upon my word I hardly recollect seeing him that day—he was Major, commanding of the troop I served.

John Hamer sworn: examined by Mr. Evans.

Q. You live at Bury?

A. Yes, Bury, Sir.

Q. What are you?

A. A weaver.

Q. Did you go to the meeting on the 16th of August, at Manchester?

A. Yes.

Q. Did you go with a party?

A. Sometimes I was with them, sometimes behind them, and sometimes before them, just as it happened.

Q. What part of the field were you in?

A. At the side going down Deansgate way, near the top of Deansgate.

Q. Was the meeting peaceable, or otherwise?

A. Very quiet.

Q. Did you see the Manchester cavalry come in?

A. Yes; they were as quiet as if they had been in a church, till the Manchester Cavalry broke in on them.

Q. What did they do?

A. I did not see them till they came up to the hustings; then they began a cutting?

Q. Did you see any stones thrown at them before they began cutting?

A. No; I did not; not any thing of the sort.

Q. Not any resistance made to them?

A. Not in the least.

William Entwistle sworn: examined by Mr. Evans.

Q. You are a weaver at King-street, Bury?

A. Yes.

Q. Was you at the meeting at Manchester on the 16th. August, 1819?

A. Yes.

Q. Was the meeting peaceable, or otherwise?

A. The meeting was very peaceable.

Q. Did you see the Manchester Cavalry come in?

A. Yes.

Q. What did they do?

A. They began to cut among the people.

Q. When did you see them first?

A. I saw them before they were off the ground.

Q. Did you receive any cut?

A. Yes.

Q. Did you see any stones thrown at the cavalry before you were cut?

A. No.

Q. Did you see any resistance made to them whatever?

A. No.

Cross-examined by Mr. Sergeant Hullock.

Q. You carried the Bury flag, I believe?

A. Yes.

Q. Then you would go at the head of the column?

A. No.

Q. Whereabouts — the centre?

A. Somewhere about there.

Q. How many of you might there be, now?

A. I cannot say.

Q. The ensign of the corps can tell us whether there were twenty or thirty?

A. Yes, there were twenty or thirty.

Q. Three or four thousand possibly?

A. I cannot say.

Q. You will not swear there was not?

A. No.

Q. How many bugles had you?

A. I cannot say there was any.

Q. Were there drums and fifes, or not?

A. There were drums or fifes.

Q. What was the inscription on your flag?

A. I cannot say.

Q. You can read though?

A. I never did read it.

Q. You mean to state to these gentlemen, that you, the flag-bearer, never read the inscription upon it?

A. No, Sir, I did not.

Q. You can read?

A. Some little.

Q. Did not you inquire amongst your friends what writing it was?

A. No.

Q. But there was writing on it?

A. There was some reading on it.

Q. Was it "Liberty or Death," or "Equal Representation," or "No Corn Laws?"

A. I do not know.

Q. "Live like men, and not be sold like slaves"?

A. I do not know.

Q. Were there any more flags than one from Bury?

A. No.

Q. Who commanded the division you went in?

A. I cannot say.

Q. Where did you muster?

A. In the Square.

Q. In Bury?

A. Yes.

Q. In the town of Bury?

A. Yes.

Q. How many miles is Bury from Manchester?

A. Nine.

Q. A longish march that morning—hot weather in August?

A. Middling.

Q. What time might the column be mustered that morning?

A. I cannot say.

Q. Can you say when you set off to Manchester?

A. Between eight and nine o'clock.

Q. Were you congregated by drum or fife, or how did you get together; did the drum beat as usual when a regiment is to be put forward in march?

A. No.

Q. How did you know where you were to meet that morning?

A. There had been something given out.

Q. ~~Some orders?~~

A. It was mentioned that people would meet.

Q. Was there some Committee appointed?

A. Not that I know of.

Q. How did you get your banner—how did you know you were to meet there and be the standard-bearer that day?

A. I knew it through hearing people talk.

Q. Did people talk that you was to be the standard-bearer?

A. There was another man took it before me, and I assisted him all the way.

Q. Who appointed the other man and you?

A. I cannot say.

Q. Who was the other man that assisted you in carrying the banner?

A. I don't know his name.

Q. He was a stranger to you?

A. No; he was a Bury man.

Q. You have forgot his name probably?

A. I don't know I ever did know it.

Q. Do you mean to swear you never knew the name of the Bury man, who joined with you in bearing the standard on this day?

A. Yes; I cannot say I knew his name.

Q. Is he here to day?

A. No; not that I knew of.

Q. Where was the standard procured; who paid for it, who painted it, and put the writing upon it?

A. I don't know.

Q. Did it drop from the clouds?

A. I can't say.

Q. Where were you drilled; we always drill the standard-bearer—at Cockey Moor?

A. No; I was drilled at Liverpool.

Q. Do you mean to swear you never were drilled at Bury, before you set off on the 16th. August?

A. No.

Q. You never was?

A. I won't swear I never was.

Q. At what place were you drilled near Bury?

A. I don't know I was drilled; we walked.

Q. Backwards and forwards?

A. Yes.

Q. Where was it?

A. On the high road.

Q. Often?

- A. Yes; several times.
- Q. How many might there be?
- A. I cannot say.
- Q. You can tell us whether there was a score of you?
- A. A score may be.
- Q. Was there a thousand of you?
- A. No; I think not.
- Q. At what time of day might it be; soon in the morning, or late at night?
- A. About edge of dark.
- Q. At night?
- A. Yes.
- Mr. Justice Holroyd.*—When it was getting dark at night?
- A. Just before dusk.
- Q. How long did you continue that delightful occupation?
- A. I cannot say.
- Q. Sometimes you would take the morning?
- A. No.
- Q. You never was there in a morning?
- A. No.
- Q. Were you collected by the bugle?
- A. No.
- Q. How were you collected together; you could not see one another?
- A. We could see one another.
- Q. Was you ever a captain or a commander?
- A. No.
- Q. Who was it that was a commander?
- A. I cannot say I know the person's name.
- Q. There was a person told you what to do?
- A. Somebody.
- Q. You do not know his name?
- A. No.
- Q. Was he a soldier or a serjeant?
- A. I cannot say.

Q. Was he a clever fellow ?

A. He was middling.

Q. Were you divided into small parties ?

A. Sometimes.

Q. And then you were all united, and the great man of all took the command of the whole ?

A. No.

Q. There was one man commanded you all ?

A. No.

Q. You did not command one another ?

A. No.

Q. When they told you to walk, did they say "walk" ?

A. No ; they said "march."

Q. When they wanted you to stand still, they said "wait" ?

A. "Halt," I believe.

Q. When they said "fire" ?

A. No ; there was no word to "fire."

Q. What did you do when the word "fire" was given ?

A. There never was the word "fire" given.

Q. What did you do when he told you to wheel, in the dark ?

A. I cannot say he did tell us to wheel.

Q. Did you never wheel into line ?

A. Not that I know of.

Q. How did you get into line when you were divided into squads, because that is a curious operation in the dark ?

A. We came one to another, we moved together.

Q. Was it for your health that you took all this walking exercise by night, or was it in order to enable you to walk regularly to the Manchester meeting in "beautiful order" ?

A. Yes.

Q. How long did it take you to enable you to walk to Manchester in order ; six or eight weeks I suppose before the meeting ?

A. I do not know ; I cannot say how many weeks it was.

Q. Was it your flag-staff that had a dagger represented on the top of it ?

A. I cannot say.

Q. There was something like a dagger?

A. There was a piece of tin.

Q. Which of you carried the cap of liberty?

A. We had no cap of liberty.

Q. How soon did you arrive at the parade at St. Peter's Field; were you one of the first parties?

A. No.

Q. You were received with how many cheers, we are told you were as quiet as in a church?

A. I cannot say we received any.

Q. Do you mean to swear when you went on the field, those there before you did not give you three cheers or huzzas?

A. No; I don't know that there was any cheering.

Q. Will you swear there was no cheering when you took up your ground near the hustings?

A. I will not swear it.

Q. I ask you, upon your oath, if you were not received with loud shouts, and you returned those shouts when you arrived into the place?

A. I cannot say.

Q. I ask you, upon your oath, and you shall give an answer, aye or no, if you were not received with loud shouts; which shouts you yourselves returned?

A. I cannot recollect.

Q. You being a standard-bearer would march up towards the hustings, and plant your standard on the hustings?

A. Yes.

Q. Were they fixed in the ground, or in the cart?

A. They were fixed in the cart; I stood and held the flag.

Q. Who gave it to you?

A. The other man that lives in Bury.

Q. The nameless man?

A. Yes.

Q. Where did he get it?

A. I cannot say.

Q. Had you ever seen the flag before that morning?

A. Yes.

Q. Where?

A. In the street.

Q. Who had it?

A. I cannot say.

Q. Did you ever see it in the Committee room at Bury?

A. No.

Q. You say that you held the flag near the hustings, or at the hustings?

A. Yes.

Q. When you were all met together, how many flags might there be waving round the hustings?

A. I cannot say I counted them.

Q. You can tell us whether there were more than yours?

A. Yes; there were more than mine.

Q. Twenty or thirty more?

A. No; I think there was not.

Q. Then you cannot tell whether there was fifteen or twenty?

A. I don't know.

Q. You got there when Mr. Hunt came?

A. Yes.

Q. Can you tell us whether he was received with acclamations, or with silence?

A. I think there was some cheering when he came on the ground.

Q. Did you ever hear such a shout in your life before?

A. I don't know.

Q. Was there a large party came with him?

A. I cannot say.

Q. How many might there be collected on this field, after you had all got together?

A. I don't know.

Q. 100,000?

A. I don't know.

Q. Or more?

A. I don't know how many there was.
 Q. You told me you did not know whether the other standard-bearer was there or not?

A. No.

Q. You had not seen him at Lancaster?

A. No.

Q. When did you see him at Bury?

A. I don't know when I saw him; I saw him sometimes in the street.

Q. You are ignorant of his name?

A. Yes, I am.

Q. What trade is he?

A. A joiner, or a sawyer, or something of that sort.

Q. What are you?

A. A weaver.

Re-examined by Mr. Blackburne.

Q. You tell us this, you went out to this drill, was it dark or light?

A. Daylight, just before dusk.

Q. How long did you continue?

A. Sometimes we gave over sooner, sometimes later.

Q. You did not break in on any of your working hours to do this?

A. No.

Q. And whereabouts was it that it took place?

A. It was about three quarters of a mile from Bury.

Q. On the highway?

A. Yes.

Q. Leading from Bury to where?

A. To Rochdale.

Q. Did you ever make any secret of it?

A. No.

Q. How far from the barracks was it that this was going on?

A. Sometimes we came up within fifty or one hundred yards of the barracks.

Q. You tell us that you got a wound?

A. Yes.

Q. Had you your flag with you at the time ?

A. Yes ; I was down and it was by my side.

Samuel Kaye sworn : examined by Mr. Evans.

Q. You are a weaver at Tottington near Bury ?

A. Yes.

Q. Were you at the meeting at Manchester on the 16th. August ?

A. Yes, sir.

Q. What part of the field were you in ; what distance were you from the hustings ?

A. Might be forty or fifty yards ; I cannot say justly.

Q. Did you see the Manchester Yeomanry come on ?

A. I never saw them till they came on me.

Q. What did you see them do ?

A. I saw them do nothing but waver in this fashion like.

(Throwing his arm backwards and forwards.)

Q. Were you about the hustings ; in what place ?

A. The meeting-house, the Quakers' meeting-house.

Q. What took place afterwards ?

A. I made the best of my escape off.

Q. Off where ?

A. From the place where we were at.

Q. Where did you go to ?

A. I was driven up to the wall, among some wood.

Q. What took place there ?

A. I got cut there.

Q. By whom were you wounded ?

A. I cannot say who.

Q. Was it one of the Yeomanry ?

A. They were in the form of soldiers. I cannot say who they were.

Q. How were they dressed ?

A. They were dressed in the form of soldiers.

Q. They were dressed in a soldier's dress. Was the meeting peaceable, or otherwise ?

A. Yes.

Q Did you see any stones thrown at the Yeomanry, or any resistance made to them?

A. No, sir.

Cross-examined by Mr. Serjeant Cross.

Q. Did you march with the main body from Bury that morning?

A. No.

Q. You came by yourself?

A. There were two old men and me went together.

Q. You did not go with this body of people?

A. Sometimes I was before them, sometimes behind them.

Q. You had them in sight?

A. Yes.

Q. You walked alongside, sometimes among them; did you set out with them from Bury?

A. No, sir.

Q. Did you muster with them in the square?

A. No; I never was in the square that morning.

Q. Did you ever take an evening's walk with the man who has just gone?

A. No.

Q. You live near Cockey Moor?

A. I live within two miles.

Q. Did you take your walks there perhaps?

A. Never in my life. I took no walk on any particular errand.

William Haworth sworn: examined by Mr. Evans.

Q. You live at Bury?

A. No; Tottington, near Bury.

Q. Were you at the meeting on the 16th. of August?

A. Yes.

Q. Did you come in company with others?

A. There were only three besides myself.

Q. What part of the field were you in?

A. I was on the way which leads across the fields.

Mr. Justice Holroyd.—Were you between the hustings and the Quakers' meeting-house?

A. Yes.

Q. Was the meeting peaceable?

A. Yes.

Q. Did you see the Manchester Yeomanry?

A. Yes.

Q. What did you see them do?

A. I saw them wave their swords about, up at the hustings.

Q. What did you see them do after?

A. I never saw them do any thing after. I got a wound in the side.

Q. Did you see any stones thrown?

A. I did not.

Q. Or any resistance made to these Yeomanry as they were coming in?

A. No.

Cross-examined by Mr. Littledale.

Q. Were you one of those that attended Cockey Moor?

A. No.

Q. You never was at Cockey Moor?

A. No; I live two miles off.

Q. You were at Heap Bridge?

A. No.

David Jacques sworn: examined by Mr. Evans.

Q. Where do you live?

A. At Middleton.

Q. Did you go to the Manchester meeting on the 16th. August 1819?

A. Yes.

Q. Did you go in company with others?

A. Yes; I went alongside the Middleton people.

Q. What part of the field were you in?

A. Betwixt the hustings and the Quakers' meeting-house, about twenty or thirty yards from the hustings.

Q. Did you see the Manchester Cavalry?

A. Yes.

Q. What did you see them do?

A. They were standing still when I saw them.

Q. Then afterwards what did you see?

A. Then I and some of the crowd began to fall back. I turned my head, and in a little time after I saw them surrounding the hustings. Then I was forced by the crowd towards the Quakers' meeting-house. I saw the Cavalry riding among the people; there I was fast for some time.

Q. What happened then?

A. I run by the side of the chapel wall, and turned down the end of the wall.

Mr. Serjeant Hallock.—What happened to him has nothing to do with the question.

Q. Was the meeting peaceable?

A. Very.

Q. Did you see any stones thrown?

A. No.

Q. Or any resistance made to the Cavalry?

A. No.

Cross-examined by Mr. Starke.

Q. What are you, David?

A. A Weaver.

Q. At that time were you, at Middleton?

A. I lived at Whittle at that time.

Q. How far is that from Middleton?

A. About two miles and a half from Middleton.

Q. You belonged to the Middleton division, did you?

A. I went along with them.

Q. And attended to drill with them?

A. No; I never attended in my life.

Q. Were you ever walked?

A. No; nothing but what I learnt by myself.

Q. There were others learning at the same time?

A. I never was taught.

Q. Did not you march with the Middleton division?

A. No; I went alongside of them.

Q. Did not you keep step along with them?

A. No.

Q. You had not been drilled had you?

A. No.

Q. You were not in the ranks?

A. No.

Q. You could not keep step with them?

A. I don't know; I never tried.

Q. But you saw they were marching?

A. Yes.

Q. They were clever fellows?

A. I don't know; they marched along.

Q. You had seen them teaching the others?

A. I saw some people walking, about eight o'clock one evening.

Q. Where was that?

A. Upon the highway.

Q. Was that before dark or after?

A. Before dark.

Q. About dusk, I dare say?

A. A little before dusk.

Q. Was that on a Saturday night?

A. No; I cannot say what day.

Q. How many people were there?

A. There might perhaps be twenty or thirty; I don't know; I stopped and saw them go by me.

Q. Were not some men at their head, who were teaching them how to march?

A. They all walked in a line.

Q. Like soldiers; you have seen soldiers march?

A. Yes.

Q. They were walking like soldiers?

A. Yes; they were acting it.

Q. You live at Middleton now, do you?

A. Yes.

Q. Did you know Redford before?

A. No.

Q. You know him now?

A. Yes.

Q. He carried the standard on the 16th. August?

A. I don't know. I did not know him then.

Q. Don't you know him to be the man who carried the standard on the 16th.?

A. No.

Q. The Middleton standard; it was a green flag?

A. I don't know; I did not take particular notice.

Q. Did not you notice the standard?

A. I cannot recollect what colour it was.

Q. Do not you recollect what words there were upon it?

A. No; I cannot say what words there were.

Q. Can you read?

A. But little.

Q. Did not you read what was upon the flag?

A. Yes, I believe I did; I cannot recollect what it was.

Mr. Justice Holroyd.—Recollect; otherwise you will be perjured.

Q. Brush up your memory; you did read it?

A. I cannot say whether I did read it or not.

Q. Did not you take notice who the man was who carried this standard?

A. No.

Q. Are you acquainted with Redford?

A. No.

Q. Have you had any conversation with him since?

A. Not lately.

Q. I ask you whether you have not had conversation with him about this matter?

A. I have not.

Q. About this action of his?

A. I cannot recollect I have had any conversation with Redford.

Q. Do you mean to say you have not had any conversation with Redford, about his bringing this action against the Yeomanry?

A. I heard he was the plaintiff.

Q. He told you so?

A. I heard him say so.

Q. Don't you know from him he carried the standard on that day?

A. I heard people say he did.

Q. Have you not heard Redford say he carried the flag on that day?

A. No, I have not.

Q. Have not you heard it said in his presence?

A. I cannot say I have.

Q. You have talked to Redford about this action; he said he was plaintiff?

A. He did not tell me so; I heard him say so.

Q. He was giving an account of it to his friends at Middleton?

A. I did not understand him when he was talking about it.

Q. He was talking about this?

A. Yes; I heard him say something.

Q. Did he say what attorney he employed, or whether he employed any—how it was?

A. I could not understand him; I was no scholar.

Q. What did he say about it?

A. I cannot recollect any thing he said but he was the plaintiff.

Q. Did he say how he came to be plaintiff?

A. Not in my presence.

Q. Did he not give an account, in your presence, of the whole of this matter?

A. No.

Q. What did he say about it; you had a conversation on the subject?

A. I cannot recollect any thing he said, only he was the plaintiff.

Q. Did he not say who had appointed him plaintiff?

A. No; not as I know of.

Q. Recollect yourself as to what he said; do you mean to swear he did not say who had made him plaintiff, or how he came to be plaintiff?

A. Not that; I recollect; only I have heard that he was wounded.

Q. Did he tell you where he had got the money to bring this action?

A. No.

Q. Did he say nothing about this?

A. No.

Q. Did he tell you he should want you as a witness?

A. No; I was subpoenaed.

Q. Did he subpoena you?

A. No.

Q. Have you had no conversation with him since you were subpoenaed to come here?

A. No.

Q. Have you not had any conversation with him about it, saying, where did all this money come from?

A. No.

Q. He is a poor man—a hatter at Middleton?

A. I believe he is.

Q. Lives in a cellar at Middleton, does not he?

A. I don't know.

Q. Then you marched along with them till they came to Manchester?

A. Yes.

Q. Had they any music?

A. Yes.

Q. Drums and fifes?

A. I believe there was.

Q. The bugle?

A. I cannot say.

Q. Cannot you say whether the bugle was sounded or not?

A. I do not know the bugle from any other piece.

Q. Do you know what a trumpet is—had they any thing like a trumpet with them?

A. I don't recollect whether they had or not.

Q. Drums, I think you say they had, and fifes?

A. Yes.

Q. And they marched to the sound of the fifes?

A. They played as they went on.

Q. The flag flying, the drums beating, and these people marching?

A. Yes.

Q. Did you fall in with any other division as you were going?

A. No; I did not see any.

Q. A good many had got there when you got to the field?

A. Yes.

Q. There were a great number of standards there.

A. Yes.

Q. As many as twenty or thirty?

A. I don't know how many.

Q. There was a shout when you and your friends got to the field?

A. Not that I recollect on.

Q. Do you mean to say there was no shout when you came on the field?

A. Not that I know on.

Q. Was it your division that brought Mr. Hunt to the field?

A. I joined no division.

Q. The Middleton people?

A. I did not come with Mr. Hunt to the field.

Q. How soon did Mr. Hunt come to the field after you had got there?

A. Might be a quarter of an hour.

Q. He came a quarter of an hour after you?

A. Yes.

Q. Was there any shouting when he came?

A. Some cheers several times.

Daniel Kennedy sworn; examined by Mr. Blackburne.

Q. Was you in the employment of James Richardson, a cutler, at Manchester, in 1819?

A. Yes.

Q. Did you ever hear of any meeting about to take place at Manchester?

A. Yes, I did.

Q. Was your master regimental cutler to the Manchester Yeomanry?

A. Yes; he worked for them in general.

Q. And you had assisted in it?

A. Yes.

Q. Was there any particular order given to you with respect to the swords, shortly before this meeting?

Mr. Serjeant Hullock.—How is that evidence, unless you bring it home to them?

Q. Had you the sword of Captain Birley?

A. I cannot say whose it was: I had them from Mr. Richardson.

Q. Do you know whose swords they were that came to you?

A. I know they belonged to the Manchester Cavalry.

Q. Do you know each individual of the corps to which the sword belonged?

A. They were ticketed, that the right owner might get them back again.

Q. Do you know you had Captain Birley's?

A. I cannot positively say. I suppose it was left with the rest: I did not take any particular notice of that.

Q. You don't know the swords by any thing except those tickets upon them?

A. His was the same as other officers' were: the officers' were distinguished from privates by being of better quality.

Mr. Serjeant Cross.—You may go.

Jeremiah Garnett sworn: examined by Mr. Evans.

Q. You was a reporter for Wheelers' Manchester Chronicle on the 16th. August, 1819?

A. I attended the meeting in that capacity.

Q. What part of the field was you upon?

A. I was in various parts of the field: I went early; I should suppose about half-past eleven o'clock.

Q. What appearance had the meeting to you, as to its being peaceable or otherwise?

A. It was peaceable throughout when I saw it, until the advance of the Yeomanry.

Q. Did you, at any time, get on the hustings?

A. I did.

Q. At what period?

A. Immediately after the arrival of Mr. Hunt.

Q. What took place then?

A. After I had been on the hustings a few minutes, I saw the Yeomanry arrive on the ground, and form in front of Mr. Buxton's house. When Hunt saw them, he said, I believe, "give them a cheer," or something to that effect, and the people cheered very loudly; the Yeomanry cheered, as it appeared to me, in return, and waved their sabres.

Q. What took place then?

A. And almost immediately advanced towards the hustings.

Q. What did the Yeomanry do?

A. When they came towards the hustings, I saw several of them strike; but whether with the edge or the flat side of the sword, I could not distinguish.

Q. What did they do when they came to the hustings?

A. I saw one, who rode round the hustings, strike at a person who stood under the edge of the hustings, who endeavoured to shelter himself under the edge of the hustings; he struck a violent blow at him.

Mr. Serjeant Hullock.—I object to the evidence of striking any other person.

Mr. Evans.—This is shewing they were all cutting in pursuance of the same illegal plan. We are not speaking as to any particular Yeoman.

Mr. Serjeant Hullock.—My learned friend has a right to go into the circumstances of this meeting, to shew it was peaceable or otherwise; and that the mob, when in this tranquil state, were at-

tacked : with respect to a specific inquiry, as to injury done to others than the plaintiff, I object.

Mr. Evans.—I am only shewing they struck, that they committed the violence, which shews they acted violently.

Mr. Blackburne.—It is not fixing any particular individual, it is shewing some member of the corps struck somebody.

Mr. Justice Holroyd.—If one of the men did a thing of that kind on the witness, it would be nothing.

Mr. Blackburne.—If it was in the object of dispersing the multitude.

Mr. Justice Holroyd.—The question is, what was done to the plaintiff.

Mr. Serjeant Cross.—I have heard him but once mentioned this morning, about six hours ago. It is rehearsing the Oldham inquest over again.

Q. Was the body that was drawn up before Mr. Buxton's house the same as came to the hustings?

A. Yes, certainly.

Mr. Justice Holroyd.—What they did is not evidence.

Mr. Evans.—We shall shew several cuttings in this way, which is aiding and assisting each other in dispersing the meeting illegally, and committing various trespasses. Although one man strikes A, and another B, still they are aiding and assisting each other.

Mr. Justice Holroyd.—You have given general evidence of it.

Mr. Evans.—I do not want to ask whether one Yeoman struck another person.

Mr. Serjeant Hullock.—You need not name the fact.

Mr. Evans.—The fact we want.

Q. Were any stones thrown at the Yeomanry as they advanced?

A. Certainly not, betwixt Mr. Buxton's house and the hustings; I can speak most decidedly.

Q. Was any resistance of any kind offered to the Yeomanry?

A. No resistance, except that made by the density of the meeting. The Yeomanry did not appear to move very quickly, but it seemed to be entirely owing to the extreme density of the meeting.

Mr. Justice Holroyd.—They did not move quickly you say?

A. That appeared to me to arise from the extreme density of the meeting. It appeared to me to offer some impediment to their progress.

Q. Did you take notice of how the constables were placed?

A. I did not observe very particularly.

Q. At the time that the Yeomanry came down, were the people around the hustings locked arm in arm or not?

A. Most certainly not; I would add to that, on the side of the hustings where I stood; I could not speak very well to the other.

Mr. Justice Holroyd.—Which side were you?

A. The side next Mr. Buxton's house, just on the edge.

Cross-examined by Mr. Sergeant Hullock.

Q. You were at the head of the line of constables, or where were you placed?

A. I stood on that side.

Q. I ask you, on your oath, if you will venture to swear distinctly to day, that there were no men surrounding the hustings, locked arm in arm, on the side next Mr. Buxton's house?

A. I will swear they were not generally locked arm in arm.

Q. What made you give the answer that you did to my learned Friend, that you could certainly say they were not locked arm in arm?

A. Because I had just passed through them, a few minutes before; I will swear there was not a general locking of arms.

Q. What do you mean by a general locking?

A. Such a locking as offered any impediment to me.

Q. I ask you, upon your oath, if you will not swear that there were eight or nine in depth locked, and at that particular spot?

A. I am certain they were not.

Q. That you swear positively?

A. Positively.

Q. Will you swear there was not three or four deep locked, and thereabouts?

A. I will.

Q. Perhaps you will swear then there was no locking of arms at all, on that side?

A. When the Cavalry approached, I will swear there was no such locking.

Q. I ask you whether you will swear there was no locking of arms in the interval between you and Mr. Buxton's house?

A. I will swear that I saw none.

Q. There could not have been any without your seeing it?

A. There could not have been many persons with their arms locked without my seeing it. I have already said there might be two or three persons. I understand you to mean a line along the hustings, three or four deep; that I will swear there was not.

Q. There might be one line?

A. I am confident there was not one line.

Q. In the interval between you and Mr. Buxton's house, there was no line of persons with their arms locked together; will you swear there was not a line in front of the hustings?

A. I could not see there; I know that half an hour before the arrival of Hunt there was not.

Q. I am asking you about the crisis of the matter?

A. At that time I cannot speak.

Q. There might have been a corner locked in, opposite the hustings?

A. There might.

Mr. Justice Holroyd.—Which do you call the front?

A. In the interval betwixt me and the Quakers' place, the part looking towards the Quakers' meeting-house.

Q. At what precise time did you ascend the hustings?

A. It would be immediately after Hunt began to speak.

Q. How near was the line of Constables to the hustings?

A. I did not make any particular observation.

Q. Did the end of the line come in contact with the hustings?

A. I am inclined to think it did not.

Q. Will you swear it did or did not?

A. I did not observe whether it did or did not; but I think it did not, because I passed through the place which it would have occupied. I am perfectly well satisfied it did not extend close to the hustings.

Q. At this time you wrote for the Manchester Chronicle; Wheelers' Chronicle?

A. Yes.

Q. I presume that paper has not the advantage of your services now?

A. It has not.

Q. There was an account published in that paper afterwards, of the events and circumstances of this day?

A. There was.

Q. Furnished no doubt by you, as you went there for the purpose of collecting the materials?

A. It was not.

Q. How came that to pass?

A. Some detached parts of it were taken from the report I furnished, but the report I furnished was not inserted whole.

Q. How long then did you continue upon the hustings after Mr. Hunt's caption?

A. I did not continue, I think, until he was taken into custody.

Q. What made you go away?

A. To preserve myself.

Q. Did you hear Hunt give directions for cheering the Cavalry?

A. I heard him say something to that effect, "give them a cheer," "let them have a cheer," or something to that effect; I cannot tell the precise words.

Q. You can tell us the effect?

A. The effect was, a cheer was given.

Q. Did you ever hear such a one before?

A. Never in my life.

Q. He himself called it a tremendous one?

A. Not a tremendous cheer, a "tremendous meeting."

Q. Did they give more than one cheer, or only one?

A. I cannot precisely recollect; my impression is there were three cheers.

Q. What was the object of the cheering?

A. It appeared to me to be intended to restore the confidence of the meeting; in some parts of the meeting the people appeared to be giving way.

Q. You don't remember the words he used?

- A. Not particularly.
- Q. Tell us the substance.
- A. I don't remember any more.
- Q. You say you was there when Mr. Hunt began to speak?
- A. I was not upon the hustings, I was standing in the meeting, very near the end looking towards Mr. Buxton's house.
- Q. You were within hearing?
- A. Certainly.
- Q. Can you give us a few sentences?
- A. I cannot; if questions were put to me I could say whether he did or did not say particular things.
- Q. Did he tell them he was glad to see them?
- A. I don't remember.
- Q. You had better just tell us what you do remember?
- A. I don't, at this moment, remember any thing.
- Q. Have not you your notes about you?
- A. No; they were taken from me by one of the special constables?
- Q. Then you cannot tell us any thing he said?
- A. No; I am not prepared.
- Q. It requires some preparation to remember a speech, as well as to make one; you come to Lancaster to tell us what you do remember?
- A. No, I was subpoenaed in Lancaster.
- Q. You cannot tell?
- A. I cannot.
- Q. There was a good deal of shouting at the end of every sentence?
- A. There was a good deal of cheering.
- Q. That is a more technical expression; there was a good deal of that?
- A. I think there was. I am not quite certain whether any part of the speech was cheered or not.
- Q. When did he say they were to meet again?
- A. He did not say any thing about meeting again.
- Q. Did he say he was much obliged to the Magistrates for

having put off the former meeting, he had got twice as many that day?

A. He did say so—something to that effect.

Q. That the magistrates by putting off the former meeting,—by their malignant exertions—

A. I don't remember the precise words.

Q. Don't you remember "that those who, by their malignant exertions, have caused the former meeting to be put off, have produced twofold the numbers to day"?

A. I cannot charge my memory with the words. I know that was the meaning. I cannot speak to the malignant exertions, but only the putting off the meeting, and the causing another meeting to be held.

Q. Did he say this, "our enemies who flattered themselves that they had gained a victory, have, in fact, sustained a great defeat"?

A. I believe he uttered those words.

Q. Those were the magistrates?

A. I don't know.

Q. Don't you remember Hunt saying, when the Cavalry came in sight, or when they were drawing up beside Mr. Buxton's house, "let us give them three cheers, and be firm"?

A. I don't recollect those words being used in connection. I remember his directing the meeting to stand firm; whether they were in connection with the others, I cannot tell.

Q. "They appear in disorder"?

A. I believe he used those words.

Mr. Justice Holroyd.—Who?

A. The Cavalry, I understood him.

Q. Did he say so?

A. He did, my Lord.

Q. How long is it since you ceased to write for the Chronicle?

A. I left the Chronicle office about a week after the meeting; I have since been there for some time, and left it again.

Q. Have you any connection with any other paper now?

A. Yes.

Q. What is the paper you have to do with now?

A. The Manchester Guardian.

Q. Is it a new paper?

A. It is.

Q. Are you part proprietor, or merely a writer?

A. I am the printer and publisher of it.

Re-examined by Mr. Blackburne.

Q. You have been asked as to particular expressions that were used by Mr. Hunt; as, for instance, "they appear in disorder," when was that said?

A. I believe when the Yeomanry arrived on the ground.

Q. Before they formed at Mr. Buxton's house?

A. Yes.

Q. You say that you were employed by the Manchester Chronicle?

A. Yes.

Q. Did you furnish them a report?

A. Yes; I gave in a report.

Q. That was not the report that was afterwards published?

A. No.

Mr. John Tyas sworn: examined by Mr. Blackburne.

Q. You, I believe, report for the Times?

A. I do.

Q. Did you do so in August, 1819?

A. I did.

Q. Were you down at Manchester the 16th. of that month, for the purpose of reporting the proceedings of the day?

A. I was.

Q. At what time of the day was it you went first to Peter's Field?

A. I was there as early as eight o'clock. I was perpetually to and fro.

Q. Did you observe the time when any persons came to the hustings, when the hustings were erected?

A. About half past eleven o'clock.

Q. What did you see?

A. I saw two bodies of reformers come to the ground with two banners, each surmounted with a cap of liberty.

Q. In what manner did these persons coming up to the hustings conduct themselves ?

A. Peaceably and quietly.

Q. What more did you see at that time : did you see any more than these two ?

A. I went from the field, after that party had come.

Q. When did you go back again to the field ?

A. I went, I think, between twelve and one ; but it is so long since, I cannot speak with certainty.

Q. Did you see, at that time, any other persons ?

A. When I returned again, there were a great number of persons assembled.

Q. Did you get on to the hustings ultimately ?

A. I did.

Q. Will you tell us how you got there ?

A. I was, at that time, very unwell, and not being able to make my way through the crowd assembled, I thought the best mode was by applying to Mr. Hunt.

Q. You did apply to Mr. Hunt, and got to the hustings in consequence ?

A. I did.

Q. At that time, what was the conduct of the meeting ?

A. At the time I got on the hustings, the meeting was cheering Mr. Hunt.

Q. Mr. Hunt, I believe, made a speech ?

A. He did.

Q. How long had he been speaking, before you saw any thing of the Manchester Yeomanry Cavalry ?

A. From five to ten minutes.

Q. What did you then see ?

A. I saw the Yeomanry Cavalry advancing rapidly to the area, where the meeting was held.

Q. Where did they form ?

A. They formed opposite to the house in which the Magistrates were.

Q. That is opposite to Mr. Buxton's house.

Mr. Serjeant Cross.—That fact has been proved by every witness, and is undisputed.

Mr. Justice Holroyd.—But it may be leading on to what he saw afterwards.

Q. At that time, tell us whether you observed any constables?

A. I knew there were some that had marched in on that day; but I had no means of distinguishing them.

Q. You had no means of distinguishing them from the other people?

A. I had no means of distinguishing them from the other people.

Q. Had you at any other time?

A. I had at a subsequent part of the day; by seeing their truncheons.

Q. You did not see the line of constables from Mr. Buxton's house?

A. I did not.

Q. Did you observe the Cavalry advance towards the hustings?

A. I did.

Q. At that time, did you observe the persons that were round the hustings?

A. I did.

Q. How were they standing?

A. Very closely jammed together indeed.

Q. Up to the time of the advance of the cavalry to the hustings, what had been the conduct of the meeting?

A. As far as fell under my observation, orderly in the extreme.

Q. You have attended many other public meetings I believe?

A. I have attended many others.

Q. At the time when the Cavalry advanced up to the hustings, did you observe them?

A. I did.

Q. Will you tell us what took place on their advance up to the hustings?

A. The people gave way in every direction, as fast as they could, before them.

Q. At what speed did they advance?

A. Rapidly at first; they could not go very quick, they could not get quick on their way; the people made as much way for them, it appeared to me, as they possibly could.

A. I believe you was on the hustings till they came up to them?

A. I was.

Q. Were you in such a situation as that if any sticks or stones had been thrown at them, you would have seen them?

A. I was.

Q. Were there any?

A. I saw none.

Q. Not up to the time of their coming to the hustings?

A. Not up to the time of their arriving at the hustings.

Q. Did you see arms locked round the hustings?

A. It was impossible ~~for me~~ to see arms locked below the hustings; I beg ~~to~~ to add, unless in the front rank before the hustings.

Q. Why?

A. In a closely jammed mass, I have lately looked particularly at the manner of standing, and I have never seen——

Mr. Serjeant Hullock.—I object to his stating what he has seen.

Q. You did not observe it?

A. I did not.

Q. And for some reason you know you could not?

A. I could not.

Q. When the Cavalry came up to the hustings, did you hear any thing?

A. On the road?

Q. On the road.

A. No.

Q. After?

A. I heard, after the hustings were taken away, a cry of "have at the flags."

Q. What more?

A. I was at this time on the hustings, a flag there was cut down; immediately the Yeomanry began cutting away at the flags stationed on the ground.

Q. Did you see any thing more pass?

A. I saw several persons on the ground bleeding.

Q. Do you know Oliver?

A. I do not.

Q. You do not know him when you see him?

A. I do not know any of the Manchester Yeomanry Cavalry when I see them.

Cross-examined by Mr. Serjeant Cross.

Q. So they fetched you all the way from London to give this account; and you went all the way down from London to be at this wonderful meeting?

A. I did.

Q. You had gone to attend the meeting of the 9th?

A. I had, in Manchester; and the meeting of the 16th.

Q. And you staid till this was over?

A. Yes.

Q. You have been asked whether you attended many others; was you at the Smithfield meeting that just preceded?

A. I was.

Q. Where Mr. Hunt presided?

A. Exactly so.

Q. When was that, Mr. Tyas?

A. I do not recollect the exact day; in July, I believe.

Q. Then your department was, I suppose, to follow Mr. Hunt?

A. No, sir; my department was to go wherever there was a meeting.

Q. Then you recognized him?

A. Yes.

Q. As an old acquaintance?

A. Not as an old acquaintance.

Q. You knew him as a public character?

A. Yes.

Q. You have been many times at public meetings in the open air ?

A. I do not know that I have.

Q. You saw him come in a carriage ?

A. I did.

Q. And Carlile ?

A. And Carlile.

Q. Of Fleet-street ?

A. Of Fleet-street.

Q. He keeps what they call "The Temple of Reason" ?

A. The same.

Q. Hunt, Carlile, and Johnson, were in the carriage together ?

A. Yes.

Q. Were you there, when they halted opposite the house where the Magistrates were ?

A. I was beside the carriage from the Exchange.

Q. They halted where the Magistrates were ?

A. They did.

Q. The carriage was attended by many thousands of people, marching, with colours flying and drums beating ?

A. Yes.

Q. And they were halted at the house where the Magistrates were ; carriage, people, and all ?

A. They all stopped.

Q. And then, I believe, they very peaceably set up a universal hiss ?

A. There was a hiss.

Q. Do you know where Carlile lives now ?

A. I believe in Dorchester goal.

Mr. Blackburne.—Surely it has nothing to do with the present case, where Mr. Carlile lives ?

Mr. Serjeant Hullock.—Why ; he is one of your friends.

Q. He was on the hustings, along with Mr. Hunt ?

A. He was along with Mr. Hunt.

H

Q. He kept the shop in Fleet-street?

A. Yes.

Q. Since called "The Mart of Sedition and Blasphemy"?

A. I have not any knowledge of that, but from the public papers.

Mr. Serjeant Hullock.—You was taken yourself?

A. I was.

Mr. Serjeant Hullock.—You see what respectable acquaintances you had got among, and what a scrape they brought you into.

Q. How long was you kept?

A. Twenty hours.

Mr. Blackburne.—Bad company sometimes gets a man illegally into a scrape.

John Smith sworn: examined by Mr. Evans.

Q. You reported for the Liverpool Mercury, on the 16th. August, 1819?

A. I did.

Q. Where did you stand?

A. About twenty-three, or to twenty-five yards from the left hand corner, towards the hustings.

Q. Do you mean from the left hand as you face the hustings?

A. No; as standing on the hustings.

Q. By the front, you mean the front that looks towards the Quakers' meeting-house?

A. Yes.

Q. Was the meeting peaceable or otherwise?

A. Perfectly peaceable.

Q. Did you see the Manchester Yeomanry that day?

A. I did.

Q. What did you see them do?

A. I saw them, after a pause in front of Mr. Buxton's house, advancing to the crowd, and surround the hustings; after apprehending—they or the officers—after apprehending Mr. Hunt, with

some other persons, on the hustings, they diverged into the crowd, which, from the front of the hustings to the Quakers' meeting-house, was still perfectly peaceable.

Q. What did they do then?

A. They began cutting right and left, and the crowd endeavouring to disperse as rapidly as possible.

Q. Did you see any persons wounded?

Mr. Serjeant Hullock.—I object to that question.

Q. Did the people throw stones at the Cavalry as they were coming up?

A. Certainly not in my sight; I was taller than most of the people round me, and I saw nothing of the sort, though I had my eye direct across.

Q. Did you see any provocation offered to the military by the people?

A. Not the slightest.

Cross-examined by Mr. Littledale.

Q. You went to this meeting, not as a reporter, but in consequence of your name being in the requisition?

A. No, sir.

Q. Was you not invited?

A. I was, but I declined the honour. Though I take a part in the politics of my town, I did not choose to go abroad; I should not have expected to be blamed if I had, but I did not choose to go, it was my taste.

Q. In point of fact, you did attend the meeting?

A. I did, on business connected with our paper.

Q. Though you did not go in consequence of the requisition, you did say something to the people?

A. Not a word, except to those around me.

Q. You have attended meetings at other places?

A. Yes; at Bolton, my native town.

Q. They have a right to your services: this was a debate in a private room?

A. I never attend meetings but in my native town, or in Liverpool where I have long resided; I do not see any thing wrong in it.

John Jones sworn: examined by Mr. Evans.

Q. I believe you reside in Windmill-street Manchester?

A. I do.

Q. And are a fastian cutter?

A. I am.

Q. Whereabouts in Windmill-street do you reside?

A. No. 14.

Q. Had you a view of Peter's Field on the 16th. August, 1819?

A. Yes.

Q. In what part of the house were you?

A. In the front room.

Q. Which room?

A. The second floor.

Q. Did you see the different parties arrive?

A. Yes, sir.

Q. Was the meeting peaceable, or otherwise?

A. Very peaceable; as peaceable as they are here for any thing I saw.

Q. Did you see the Yeomanry Cavalry come into the field?

A. I did.

Q. Did they proceed into the meeting?

A. They came down Cooper-street by the cottage wall opposite Mr. Buxton's house, forming a line.

Q. At what speed did they go down?

A. They came as fast as they well could do for the crowd. When they got to the hustings they formed round it; when they cleared the hustings, they made a charge on the people.

Q. Did the people try to escape?

A. The people fled in all directions, they were riding over men, women, and children.

Q. Did you see any thing more?

A. There came a great mass of people against my door then—they were jammed against my door; the Cavalry came up and struck them; the people were groaning and skriking, (shrieking) till an officer came up and said "gentlemen, forbear, forbear; the people cannot get away."

Q. Did you see any stones thrown at the Yeomanry?

A. I saw none, but one; and that was when they were scouring the croft.

Q. Did you see any provocation given to the military that day?

A. No sir, I did not; at my door there was a woman killed, and a man suffocated.

Cross-examined by Mr. Starkie.

Q. Was you at York?

A. No, I was not.

Q. What are you?

A. A fustian cutter.

Q. Do you work in your own house?

A. Yes.

Q. What part of your house do you work in?

A. The garret.

Q. Was that the room from which you saw this?

A. No; it is a story higher.

Q. Then you was not attending to your business that morning?

A. No; not that morning.

Q. What time did you begin to be on the look-out?

A. As soon as the people were coming.

Q. What time?

A. The people were on the ground at seven or eight o'clock.

Q. Then you took your station?

A. No; I went about my business in the morning.

Q. When did you come back?

A. When it began to be so thronged.

Q. Did you see the divisions?

A. I see them come.

Q. With music?

A. Yes.

Q. Drums and fifes?

A. Yes.

Q. Now as each of these divisions came on the ground, there was a great shout?

A. There was, I believe; there were shouts many times.

Q. And a tremendous shout when Mr. Hunt came ?

A. I believe there was.

Q. And when the Cavalry came on the ground ?

A. A shout from the Cavalry, and then from the populace.

Q. From the Cavalry first ?

A. I cannot say if the Cavalry shouted first ; but when they came, they flourished their swords round, and then there was a shout.

Re-examined by Mr. Evans.

Q. Whichever shouted first, the Cavalry shouted as well as the people ?

A. They might have shouted ; they brandished their swords—it is all the same.

Mr. Serjeant Hullock.—Let us judge of that ?

Q. Did the Cavalry shout ?

A. I cannot say whether they shouted or not.

Ann Jones sworn : examined by Mr. Evans.

Q. Was you in your house on the 16th. of August, 1819, when the meeting took place ?

A. I was.

Mr. Justice Holroyd.—Does she prove the same facts as her husband ?

Mr. Evans.—I presume she will.

Q. What room was you in ?

A. The second floor.

Q. Did you hear your husband give his evidence ?

A. I was in the room.

Q. Did you hear your husband examined this moment ?

A. I did not exactly hear what he said.

Q. Did you see the meeting that day ?

A. I did.

Q. Was it quiet and peaceable ?

A. Very quiet indeed till the soldiers came.

Q. Did you see any stones thrown by the people ?

A. Not one.

Q. Or any resistance to the military?

A. Not in the least; they shewed more cowardice than that, they threw their sticks away.

Mr. Justice Holroyd.—Where were they thrown?

Mr. Serjeant Hullock.—A considerable quantity of sticks lay about in the field, a cart load nearly.

Q. Did you see the soldiers go up to the hustings?

A. Yes, I did.

Q. Did you see them do any thing there?

A. I saw them cutting very bad; I did not think but they had killed every one that was there.

Q. Did you see any resistance whatever made to them, in their way up to the hustings?

A. I did not in the least.

Cross-examined by Mr. Serjeant Hullock.

Q. You had a long look-out that day?

A. Yes, I had.

Q. You took it by turns?

A. I had a great many in the house, some wounded, a great many wounded.

Q. You was not there all the time?

A. Yes, I was; I had two killed at my door.

Q. Did you see the sticks picked up?

A. I saw them picked up, and put in the cart.

Q. And the dead man put in the cart too;—what kind of sticks?

A. Such as the country people walk with; I could carry a great many of them.

Q. Why, I should think you could carry any thing from your size. Did you see the people march on with these sticks, when you came home in the morning?

A. I did not come home in the morning.

Q. You did not see the different divisions?

A. No; when I came back, the field was full.

Q. You had seen the field in the morning?

A. In the morning.

Q. At that time there were no sticks?

A. No; not before the country people came.

Q. Nor stones?

A. No.

Q. Neither sticks nor stones; did you see any stones afterwards?

A. I did not see any; there were the soldiers there.

Q. Did you see any stones, as well as sticks, afterwards?

A. I did not see any.

Q. Nor before?

A. No.

The Rev. Robert Hindmarsh sworn: examined by Mr. Blackburne.

Q. Was you in St. Peter's Field, on August 16th., 1819?

A. I was.

Q. You, I believe, are a dissenting minister, and live at Salford?

A. Yes.

Q. Had you observed any persons going towards the field on the morning of that day?

A. I observed a few, when I was near the 'Change.

Q. A few persons?

A. I understood there had been a company: the remains of a company.

Q. You did not see it?

A. I did not see it.

Q. What time did you go on the field?

A. About twelve o'clock.

Q. Were all the people assembled at that time, or did some come afterwards?

A. Many came afterwards.

Q. As you saw them coming on the field, what was their conduct and demeanour?

A. Very peaceable; in a remarkable degree, peaceable and quiet.

Q. As the different parties came on the field, did you observe how they ranged themselves?

A. I think they generally went up towards the hustings.

Q. Did you remain on the ground till the Cavalry came?

A. Yes; till the crowd was dispersed.

Q. Then I understand you was there from twelve o'clock till they were dispersed?

A. Yes; not in one situation; but I traversed the whole field.

Q. Will you tell us, during the whole of that period, what the conduct and demeanour of the people were?

A. Remarkably peaceable, as I before observed.

Q. Up to the time of their dispersion?

A. Yes.

Q. In what part of the field were you at the time the Cavalry went towards the hustings?

A. I was coming away; I was near the Quakers' meeting-house; I was returning home, and nearly got out of the crowd.

Q. Will you tell us whereabouts on the ground you was, at the time you saw them advancing to the hustings?

A. I think I could point out the place on the map.

Q. Have the goodness to do so?

(The map was handed to the witness, and he pointed out the spot to which he alluded.)

Q. That is not very far from the Quakers' meeting-house?

A. No.

Q. Which way did you come from?

A. By the Quakers' meeting-house.

Q. By Dickinson-street?

A. I passed over some timber, and between the new buildings and the meeting-house.

Mr. Justice Holroyd.—You was in the place you are speaking of when they came?

A. Yes; I did not move till I found it necessary to see after my own safety.

Q. When you observed them going towards the hustings, did you see any resistance offered them by the people?

A. Not the least.

Q. Did you see any sticks, or stones, or brickbats thrown at them?

A. None at all.

Q. Did you watch their progress up to the hustings?

A. I did.

Q. Entirely?

A. From the beginning.

Q. Had you seen the constables there?

A. I did; a line of constables opposite Mr. Buxton's house.

Q. Where did that line extend to?

A. Towards the hustings.

Q. Did it extend to the hustings?

A. I did not observe whether it did or not; I thought not quite.

Q. Within what distance of the hustings was it?

A. I did not exactly go to the further end; I was at the upper end by Mr. Buxton's house, and I could see down the line.

Q. You, living at Salford, would know Mr. Nadin, the officer at the head of the police?

A. I have seen him once or twice.

Q. Did you see him on that day?

A. I do not recollect that I did.

Q. You do not recollect seeing him among the constables?

A. I do not recollect that I did.

Cross-examined by Mr. Serjeant Cross.

Q. Mr. Hindmarsh, you say you saw no bricks, or stones, or sticks, used against the Cavalry?

A. Yes.

Q. You do not mean the Jury to understand that there were not such used?

A. No.

Q. If others swear that there were, will that be untrue?

A. It did not take place in my sight; I can only swear to what took place in my sight?

Q. You do not see well I suppose ?

A. Not without glasses.

Q. You are short sighted I presume ?

A. Yes.

Q. So they brought you, who are short sighted, to prove that no stones were thrown at the Cavalry ?

A. I do not know what I was brought here for, but I suppose it was to bring forth the truth.

Q. It seemed quite a pleasant thing then, till the Cavalry came ?

A. Yes ; I was pleased to see the temper of the people.

Q. You was surprised that they were alarmed ?

A. I did not see any alarm.

Q. None of your neighbours were alarmed ?

A. I held no conversation with my neighbours.

Q. Then you are a sort of spectator in life ?

A. Very much so.

Q. You look on, but do not interfere ?

A. I do not interfere.

Re-examined by Mr. Blackburne.

Q. Did you hear of any body that was alarmed before the meeting ; did you hear any body tell you of their being alarmed on account of the meeting ?

A. I heard of some one's about that of the 9th., but it was because that was considered an illegal meeting.

Q. Did you hear any thing of alarm on account of this meeting of the 16th. ?

A. No.

Samuel Slack sworn : examined by Mr. Evans.

Q. You live in Windmill-street ?

A. Yes.

Q. You did then ?

A. Yes.

Q. On the 16th. August, 1819, was you in the employ of Messrs. Macfarlane and Barbour, shippers, at Manchester ?

A. Yes.

Q. Was you at the meeting?

A. I was.

Q. What position was you in?

A. I was in my own house.

Q. How far from the hustings?

A. From thirty to forty yards.

Q. In what room of the house was you?

A. The second room over the parlour.

Q. Had you a full view of the meeting?

A. Yes.

Q. Were the people peaceable, or otherwise?

A. Peaceable; previous to the hustings being cleared.

Q. Did you feel any alarm for the safety of your property?

A. No, sir.

Q. Did you see the Yeomanry come on the field?

A. I did not.

Q. Did you see them after they were on the field?

A. Yes.

Q. Did you see them move on towards the crowd?

A. They were advancing into the crowd when I got into the room.

Q. Did you see any resistance offered to the Yeomanry?

A. Nothing more than might be expected from the density of the crowd.

Q. Did you see what the Yeomanry did?

A. They went forward down the field, with a view to clear the field, disperse the crowd; many were knocked down, and the horses trampled over them.

Cross-examined by Mr. Littledale

Q. How did the Cavalry go up to the hustings?

A. I could not see whether they struck forcibly on the people, because the hustings were between myself and them.

Q. Then you could not see whether they struck the people or not, on going up to the hustings?

A. They might; I could see the swords ascending and descending.

Q. Whether they struck you do not know. Do you remember Mr. Hunt being taken, and the other persons?

A. Yes.

Q. At that time, were not the people throwing stones at the Cavalry?

A. I did not see any at the time they were taking him from the hustings.

Q. However, you did see stones flying in all directions?

A. After the hustings were cleared; and they pushed below the house I was in; then stones were thrown after they had passed, but I could not see where they came from.

Q. In all directions?

A. No; only in one direction.

Q. Were there not some iron railings that fastened the cellar in the street that gave way?

A. Yes.

Re-examined by Mr. Evans.

Q. What was it forced down these railings?

A. The pressure of the crowd.

Q. And what caused the pressure of the crowd?

A. The Cavalry driving the people.

Q. My friend asked you whether you know the people were cut or not?

Mr. Justice Holroyd.—He said he saw swords ascending, and descending.

Mr. Evans.—The result of the swords going up and down, must have been that some persons were cut.

Q. Did you dress the wounds of any persons on the ground?

Mr. Serjeant Hullock.—I object to the question.

Q. Did you dress the wounds of any persons laying on the ground?

Mr. Justice Holroyd.—He would not be able to say who the person was, but from hearsay.

Q. When the stones were thrown as you mentioned, you say the Cavalry were driving the people down the field?

A. Yes.

Robert Wood was then called.

Mr. Justice Holroyd.—Have you many more witnesses?

Mr. Blackburne.—I do not think I can finish to night.

Mr. Serjeant Hullock.—Have you any other class of witnesses?

Mr. Blackburne.—I cannot possibly finish to night.

Mr. Justice Holroyd.—Call your next witness.

Robert Wood sworn; examined by Mr. Blackburne.

Q. You are a chymist and Druggist, and live at New Cross in Manchester?

A. Yes.

Q. Did you observe the Oldham people coming down to New Cross?

A. I did, sir.

Q. About what time in the day was it?

A. I suppose it was near twelve.

Q. Did you see of about how many they consisted?

A. I could not form any idea.

Q. They were very numerous, I believe?

A. Yes.

Q. What was their demeanour and conduct, as you saw them then?

Mr. Serjeant Hullock.—I think it immaterial.

Mr. Blackburne.—Then I will not ask it.

Q. You afterwards went with Mr. Earnshaw into the field?

A. I did.

Q. A surgeon at Oldham?

A. A surgeon near Oldham.

Q. Where did you go; did you go into a house?

A. We went into a house in the same line with the Windmill.

Q. In Windmill-street?

A. In Windmill-street, I believe.

Q. How far from the hustings?

A. About thirty yards.

Q. Had all the people assembled when you got there, or did some parties come up after?

A. There was a good many assembled when we got there; a many came up after.

Q. Did you observe a line of constables any where?

A. We did; a double line of constables from Mr. Buxton's house nearly to the hustings.

Q. Did they preserve an open space between them, as that a person could pass from Mr. Buxton's house to the hustings?

A. They did, sir.

Q. Did you know the Boroughreeve of Manchester, at that time?

A. I did not, sir, till he was pointed out to me.

Q. Did you see any person who was pointed out to you as Boroughreeve, in that line?

A. In that line.

Q. What was he doing?

A. He passed our place several times; him and Mr. Nadin, and several others.

Q. What space was there between the line of the constables?

A. I should suppose there was nearly a yard.

Q. Did you see Nadin, then, walking backwards and forwards in that space?

A. I saw him up, several times.

Q. Up where?

A. Opposite our window.

Q. Will you tell me where your window was?

A. It is a house detached from the line where the Windmill is.

Q. Was it opposite the hustings, or where?

A. It was nearer the Magistrates' house than the hustings.

Q. Did you observe the Yeomanry pass from the Magistrates' house up to the hustings?

A. I did, sir.

Q. Observe them the whole way?

A. Yes.

Q. Did you see them get up to the hustings?

A. I did.

Q. In their passage from the house up to the hustings, did you see any resistance whatever offered to them?

A. I did not, sir.

Q. Did you take such notice, that, if that had happened you should have seen it?

A. I think I must have seen it.

Q. Had you a full view of every thing that took place?

A. Yes, apparently, I had.

Q. And you saw nothing of this kind pass?

A. Not any resistance made at all.

Q. At what speed did the Cavalry come up to the hustings?

A. They advanced at first very rapidly; but the crowd was so dense, they could not go fast after a while.

Q. Did you yourself see the plaintiff Redford after that?

A. I don't recollect; there was a person dressed at our shop. I did not see him that night; they had done dressing the people at our house, before I got home.

Q. You did not, to your knowledge, see the plaintiff Redford that night?

A. Not that night.

Q. When did you see him?

A. There was a person called when the inquest was held, to be dressed.

Q. Have you any reason now, to believe it was him?

A. No; I do not know.

Cross-examined by Mr. Starkie.

Q. Did you hear Hunt direct the mob to give three cheers to the Yeomanry?

A. No; I did not: I don't recollect that I did.

Q. Did not he appear to you to be motioning the mob; turning their attention to the Yeomanry?

A. He was addressing them. When he addressed the people towards the chapel I could not well hear him; when he addressed the other way I could.

Q. Did not you observe, when the Yeomanry were coming on the ground, the people were attempting to give way—retreating?

A. Yes; they had run off, many ran off.

Q. At the time that they were going, did it not appear to you that Mr. Hunt was endeavouring to prevent them from going, and animating them against the Yeomanry?

A. It did not strike me in that way.

Q. Was not he addressing them?

A. He was addressing them, and they gave three cheers.

Q. That was at the time many of them were leaving the ground, the Yeomanry approaching?

A. Yes.

Q. Could you hear what Hunt said?

A. Sometimes, I could.

Q. I ask you, sir, did it not appear to you, when the people were going away, as if Mr. Hunt called out to them to cheer, when the Yeomanry were approaching, in order that they might remain?

A. I don't know what it was for; they did cheer: I don't know whether it was cheering the Cavalry.

Q. Did they not immediately cheer, at the time Hunt was addressing them?

A. They cheered when the Yeomen came on, and he was addressing them at that time, I believe.

Mr. Justice Holroyd.—When the Yeomanry came on, to the ground, you mean?

A. Yes, sir.

Q. That was before they formed opposite Buxton's house?

A. Yes, my Lord; they were coming round the corner.

Q. Did not Hunt, at the time he was then addressing the people, point towards the Yeomanry, as they were then coming on the ground?

A. I do not know.

Q. You saw him on the hustings?

A. I did not look at Mr. Hunt at the time.

Q. You cannot undertake to say whether he did not point to the Yeomanry at the time?

A. I cannot.

Q. The crowd was very thick about the hustings?

A. Yes ; very dense.

Q. But particularly about the hustings?

A. Yes ; it seemed to be.

Q. So that the Yeomanry found much greater difficulty in approaching, as they got nearer the hustings?

A. Yes ; I believe they did.

John Earnshaw, a Quaker : examined by Mr. Blackburne.

Q. You are a surgeon, and live at Oldham?

A. Near Oldham.

Q. Was you with the last witness, Robert Wood, in a house in Windmill-street, on the 16th. August, 1819?

A. I was.

Q. Did you observe the line of constables?

A. Yes.

Q. How far did it extend from Mr. Buxton's house?

A. Nearly to the hustings.

Q. Did you observe the Cavalry advance towards the hustings?

A. Yes.

Q. Did you observe them all the way up to the hustings?

A. Yes.

Q. Was any resistance, or any opposition offered to them, more than was caused by the density of the crowd?

A. Not the least.

Q. You say that this house is about twenty yards from the hustings?

A. Yes ; it appeared to be so.

Q. And you were on the second floor?

A. On the second story.

Q. From that situation had you an opportunity of observing every thing that passed, from the Cavalry going from Mr. Buxton's house to the hustings?

A. Yes.

Q. Did you see either stones, or brickbats, or sticks, or any thing of the kind, thrown at them during their progress?

A. There was nothing thrown at them.

Q. Were you in a condition, if any thing had been thrown at them, to have observed it?

A. Yes; I was.

Q. Did you observe any thing more than that, after they had proceeded up to the hustings; did you observe what after took place?

A. The hustings were surrounded immediately, by the Cavalry.

Q. What more took place after?

A. And the people were immediately dispersed.

Q. Could you see what happened up towards the Quakers' meeting-house, from the situation in which you were?

A. I did not take particular notice of that part of the meeting.

Q. Neither before or after the Cavalry had got to the hustings?

A. No.

Cross-examined by Mr. Serjeant Hullock.

Q. Nothing was thrown at them?

A. No; I saw nothing at all.

Q. I understand you to venture to assert that nothing was thrown at them; do you mean to say that, or that you saw nothing?

A. I saw nothing.

Q. Something might have been thrown without your observing it?

A. Nothing very particular.

Q. What do you mean by that?

A. Nothing of any size.

Q. What carried you to Manchester?

A. I was invited by my friend.

Q. To attend the meeting?

A. No; I had some business, for one thing.

Q. Was it to attend the meeting?

A. I did not attend the meeting as a part of the meeting.

Q. One part of the object was to attend this meeting?

A. Yes it was.

Q. Was it the first meeting of the sort you were ever at?

A. No; I have seen another before at Manchester.

Q. By accident?

A. No; I went to Manchester to the meeting.

Q. When was the other?

A. I cannot speak to the time before, but it was some time before.

Q. Who were the orators?

A. I think Henry Hunt Esq. was there.

Q. When was it that you had the first meeting, at which Henry Hunt Esq. was the chairman?

A. I cannot speak to the time; I did not say he was chairman, he spoke.

Q. I thought you had said he was the chairman: was it held in the open air?

A. Yes; in the same place.

Q. How long before the meeting in question?

A. I cannot speak to that.

Q. The January preceding?

A. I cannot speak to the time.

Q. Very cold weather?

A. It was a cold day.

Q. Did you speak yourself?

A. No; I never was on the hustings at all.

Q. Did you speak at the meeting at Oldham?

A. No.

Q. But you are the chairman sometimes?

A. I never was chairman but at one meeting.

Q. When was that meeting?

A. Two or three years ago.

Q. What was it for—"Universal suffrage"?

A. It was to petition Parliament on the subject of reform only.

Q. Did you mean to reform themselves or you?

A. Perhaps we all want it.

Q. Was the petition sent up at the time?

A. Yes, it was; and read.

Q. What an honour that would be to it: did you write it?

A. No; I did not.

Q. You perused, settled, and signed it.

A. I signed it.

Q. You have been in the House of Commons?

A. Yes.

Q. At least, your name was sent in?

A. Yes.

Q. Did you get to the place, from which you saw what was about to take place, before the whole parties had assembled?

A. I think it was near twelve o'clock when I got there.

Q. Had Henry Hunt Esq. got up then?

A. No; he was not there.

Q. You saw him in the carriage?

A. Yes.

Q. Perhaps you know some of his friends along with him?

A. I don't know many.

Q. How many?

A. I think Johnson was there.

Q. Do you know Carlile?

A. I don't know him.

Q. Do you know the lady—the goddess of reason?

A. No; I don't know her.

Q. You saw her?

A. Yes.

Q. Dressed in white?

A. Yes; she was.

Q. Was she on the dickey, or in the carriage?

A. I am not certain.

Q. You forget little matters?

A. It is a long time since.

Q. Were you examined at the Oldham inquest?

A. No; I was not.

Q. You offered yourself?

A. Yes.

Q. Was you the Earnshaw that sent about the letters?

A. No; I did not send any letters.

Q. Who did you employ?

A. I did not employ any one.

Q. You wrote them?

A. I did not write them.

Q. You dictated them?

A. No.

Q. You wrote part of them; who wrote the better part of them?

A. William Nicholson.

Q. And John Earnshaw the other part; it was a joint and several composition, was it?

A. No; not joint.

Q. Each of you wrote your separate parts; your separate portions: which part did you write, the beginning or the end?

A. I think that Nicholson took a copy of what I had wrote: he made some alterations, I fancy.

Q. Did you send them about?

A. No; I had nothing to do with the circulation.

Q. But you was present at the time it was settled to whom they were to be sent?

A. No.

Q. Do you mean they were not sent to the Jury?

A. I had nothing at all to do with it, not the least. I just drew up a statement of the case, not with the intention of sending it to the Jury.

Q. You mean to state, you do not know what was written: I do not ask you what you wrote. Don't you know, of your own knowledge, some of these documents were sent to the Jury?

A. I have heard so since.

Q. Do you know a man of the name of Taylor?

A. Yes.

Q. Was he present at any time, when you and Nicholson were composing?

A. No.

Q. Had you any communication with him on the subject?

A. Not the least; I did not know him at the time.

Q. They came in "beautiful order" to the field, we understand: I don't call them mob—the gentlemen: you were highly pleased with it, were not you?

A. No; I was not.

Q. Did not you put your hand out of the window, and shake your handkerchief?

A. No; I did not put any thing out.

Q. You did not greet their arrival?

A. Not in the least.

Q. You heard them shout?

A. Yes.

Q. When a division came on the field, there was a loud shout?

A. I think not always; part of them were there before I got there.

Q. After you got to your place, did not every party, as they came up, shout, and were received by shouting?

A. I think not every part.

Q. You heard the music too?

A. Yes.

Q. Banners flying?

A. Yes.

Q. What were the inscriptions?

A. I did not take particular notice to be able to speak to it now: I did not expect to be called on, else I should have taken notice.

Q. You read them that day?

A. Not many of them.

Q. You have more reason to remember what you did read: did you see "No Corn Laws"?

A. Yes; I think it was.

Q. "Equal Representation or Death"?

A. I cannot say I saw that.

Q. You did see that?

A. I cannot positively say.

Q. You cannot say you did not?

A. They were not all facing me.

Q. I am only asking you respecting those you saw.

A. I cannot speak to the inscriptions of any.

Q. Did you see the black banner?

A. Yes.

Q. That would attract your notice, naturally; probably you would see that as you went to Manchester?

A. I cannot speak to that; I am not certain that I did.

Q. Did you pass any of the parties?

A. Yes; but I did not stop with them.

Q. You were on horseback?

A. Yes; I was about twenty minutes in coming from home to Manchester.

Q. You were afraid of being too late?

A. I did not set off so early as I intended.

Re-examined by Mr. Blackburne.

Q. The way you attended this meeting, was up in a house?

A. Yes.

Q. Was that the way you attended the other?

A. No.

Mr. Serjeant Cross.—You rode there at the rate of one and twenty miles an hour?

Witness.—I have a very good mare.

His Lordship then rose:

Mr. Justice Holroyd.—Gentlemen of the Jury will see the propriety of not discoursing with any other persons on the subject, or suffering any persons to say any thing on the subject to them. I have no doubt you will do that. It might inadvertently happen.

FRIDAY, APRIL 5, 1822.

Mr. Thomas Bateman sworn : examined by Mr. Evans.

Q. Your name is Thomas ?

A. Thomas.

Q. Where do you reside ?

A. Middleton, in the county of Derby.

Q. Do you live there ?

A. I live there.

Q. Pray what are you ?

A. I am not in business.

Q. You are a gentleman of fortune, and live on your property ?

A. Yea.

Q. Was you in Manchester on the 16th. August, 1819 ?

A. I resided there at the time.

Q. At what hour did you go on the field ?

A. A little before one ; probably about ten minutes.

Q. That was after all the parties had arrived ?

A. I think in a great measure they had collected.

Q. What was the conduct of the meeting when you arrived ; was it peaceable, or otherwise ?

A. Quite peaceable, as far as I could discern.

Q. There were banners and music on the ground ?

A. I believe there were.

Q. Was you alarmed at the meeting ?

A. No ; I cannot say I was alarmed at it, not at that instant.

Q. Not at the time I am examining you to ?

A. No.

Q. Did you see the Manchester Yeomanry ?

A. I did.

Q. Be good enough to relate to his Lordship and the Jury, what you saw; what part of the field was you in?

A. I stood between the Quakers' meeting-house and some timber; between that and the school.

Q. Be good enough to state to his Lordship and Jury what you saw?

A. I saw them advance in a broken line, as I thought, by a garden wall.

Q. Well?

A. They formed at the end of the house; I do not know who lives in it.

Q. Mr. Buxton's house was it?

A. I do not know.

Q. Is it called Mr. Buxton's house?

A. I believe it is.

Mr. Evans.—It is proved to have been his.

Q. Go on?

A. They then advanced rapidly into the crowd.

Q. Go on?

A. In a few moments, I left the ground, and saw no more; as soon as the people began to move from the Cavalry, I left the ground.

Q. Did you see the Cavalry do any thing with their swords?

A. I saw the swords ascend and descend; nothing more?

Q. How near did they get to the hustings before you left?

A. I think about half way.

Q. Did you see any stones thrown at the Cavalry?

A. None.

Q. Did you see any resistance, of any kind, made to the Cavalry?

A. No; I did not.

Cross-examined by Mr. Serjeant Hullock.

Q. Have you come from Derby now?

A. Yes.

Q. I hope you will not consider it any affront, if I decline asking you any questions?

A. I shall be very glad to be released.

Mr. Serjeant Hullock—and I am very happy to release you.

Mr. Thomas Preston sworn : examined by Mr. Blackburne.

Q. You, I believe, live in Manchester ?

A. In Ardwick.

Q. Did you live there in 1819 ?

A. Yes ; I lived there in 1819.

Q. Were you, on the 16th. August, in St. Peter's Field ?

A. I was there before Mr. Hunt arrived, and remained there ; and left the ground about the time Mr. Hunt was about to ascend the hustings.

Q. Were the various parties assembled about the hustings before you left the ground ; did you see a great number of people ?

A. Of course.

Q. I want to know what was the conduct and demeanour of these people, as far as it came under your observation ?

A. It struck me as remarkably peaceable, and decorous.

Q. Did you remain there till it assumed any other character ?

A. I have already said, I left the ground about the time Mr. Hunt ascended the hustings.

Q. Did you come back ?

A. I returned back again ; and, on returning, was passed by a troop of Cavalry ?

Q. On returning, you say you was passed by a troop of Cavalry ; what Cavalry ?

A. I was not aware, at the time, what regiment it was.

A. Are you aware now ?

A. Of course ; I am now aware.

Q. Have the goodness to tell us ?

A. I was told at the time, it was the Manchester Yeomanry.

Q. Where did you meet with them ?

A. I believe it was in Cooper-street.

Q. Were they going towards St. Peter's Field ?

A. Yes ; at a sharp trot.

Q. Did you then go back again on the field ?

A. I remained stationary; I saw them rush, in a broken and irregular line, towards the hustings.

Q. Where was you standing when you saw them?

A. I had moved a little to the left, so as to be somewhat nearer St. Peter's Church.

Q. Did you observe that they did any thing in their way?

A. I observed that they jolted in their seats, as if their horses were proceeding with an unsteady motion.

Q. Did you see them get up to the hustings?

A. I am not sure that I did.

Q. How far was you from St. Peter's Field, at the time when you saw this?

A. I am not aware of the distance.

Q. You can tell us nearly; was you one hundred yards or five yards?

A. Give me the map, and I will point it out.

(The witness pointed it out, and the map was then handed to the Jury.)

Q. Were there any houses between the place where you stood and St. Peter's Field, so as to intercept your view?

A. From the hustings—no.

Q. Did you afterwards see the Cavalry any where near the Quakers' meeting-house?

A. I saw some cavalry.

Q. How long after the time you saw them advancing to the hustings?

A. I should say, in common language, almost immediately; I cannot be asked to measure time.

Q. Did you observe what was done by them when they got there?

A. I saw them striking the people.

Q. Were there many or few people about there?

A. Where I stood, there were but few.

Q. Was it at this Quakers' meeting-house you saw the Cavalry?

A. Vast numbers.

Q. What were they doing?

A. It was towards the corner of the garden wall, that I first saw them assaulting the people.

Q. Was you or the Cavalry at the end of the wall?

A. The Cavalry.

Q. You say it was first by Cooper's garden wall; tell us what you saw there?

A. I saw them striking the people.

Q. What were the people doing?

A. The people were endeavouring to escape.

Q. That was before you observed them by the Quakers' meeting-house?

A. Immediately after.

Q. By the Quakers' school?

A. By the Quakers' school.

Q. Well?

A. I then got into a house that was behind me.

Q. When you got into this house behind you, what did you see?

A. I then saw some Cavalry dashing by the steps.

Mr. Justice Holroyd.—Were you in Cooper-street then?

A. No, my Lord.

Q. Where?

A. In a house near to the Quakers' chapel; I am not sure that was the name of the street; it was a house at this pile of buildings, (pointing to the map).

Mr. Justice Holroyd.—That is further from the field than Peter-street?

A. Just up to the Quakers' meeting-house; not in the main body of the field.

Q. Tell us then what you saw?

A. I saw vast numbers of fugitives, and Cavalry assailing them, striking them with their sabres.

Q. Did you see any thing more?

A. I saw the ground cleared, and the military drawn up in front of Windmill-street, in the line of Mr. Buxton's houses, and down Peter-street; I should suppose, in a line parallel with Mr. Buxton's houses.

Q. At the time when you saw this, did you see any resistance at all offered by the people to them?

A. None whatever.

Q. Did you see any thing more of the transaction?

A. Of course not; the meeting was then dispersed.

Q. When you first came on the ground, and saw this great number of people, did it create any alarm or terror in your mind?

A. No, certainly; it did not.

Q. Had you seen any of the parties come on to the field or not?

A. Yea.

Q. You had seen some?

A. I had seen them passing the streets.

Q. Were they then doing it in such a manner as to create terror and alarm to you?

A. No.

Q. Do you live with your father at Ardwick?

A. I live with my uncle.

Q. Is he a person of considerable property?

A. He is a man of property.

Q. How far is this place from the field?

A. A mile and a half, perhaps, or a mile.

Cross-examined by Mr. Serjeant Hullock.

Q. What led you to the field?

A. I believe that which led many others to go, mere curiosity.

Q. Had you been at any other meeting of a similar description from the same motive?

A. Yes; I believe I was on the ground when they held what was called "the Blanket Meeting."

Q. From mere curiosity, I presume; a man of your fortune would not carry your blanket with you?

A. No.

Q. This was a better sort of meeting than that?

A. Rather larger.

Q. How many thousand men?

A. I cannot guess.

Q. Whereabouts?

A. I cannot estimate.

Q. Do you think eighty thousand?

A. I have answered your question; I cannot compute the numbers.

Q. In your judgment, do you think it could be less than eighty thousand, including men, women, and children; all sorts and sizes?

A. It was a large space they occupied.

Q. Do you know how many people can be put on a square yard?

A. No.

Q. You remember the blanket meeting, and you may remember the number of which it was composed; but I ask you, did you ever see so large an assembly as this before?

A. No.

Q. If such a number could be got together, you would go to see it, out of curiosity?

A. I think not; I have had quite enough.

Q. Was you ever at a meeting in London?

A. Never; I am not in the habit of attending political meetings.

Q. What was this meeting?

A. I do not attend political meetings.

Q. Perhaps, if you stay, you will find that you have attended a political meeting; what do you call the blanket meeting?

A. A most absurd meeting, for a most absurd object.

Q. But it was a political meeting; they were going to reform the Government; but you felt no alarm?

A. No.

Q. I mean, for the people?

A. No.

Q. Do you live with your uncle as a gentleman?

A. I am of no business, no profession.

Q. How is it we had the pleasure of seeing you here?

A. My acquaintances knew I was there.

Q. Was you applied to by Mr. Hayward, of Teok's Court?

A. I was subpoenaed by Mr. Hayward.

Q. At Manchester?

A. At Ardwick.

Q. Had you communicated to him that you could communicate matters of importance; how did he find you out—how did he happen to get at you?

A. I do not quite understand your question.

Q. Mr. Hayward subpoenaed you, you say?

A. Yes.

Q. Himself?

A. Himself.

Q. Had you any intercourse with him by letters on the subject?

A. Never.

Q. Did you know that you was about to be subpoenaed, before you saw the subpoena?

A. I was in hopes I should not have been subpoenaed; I objected to going.

Q. Then the first intimation you had, was the subpoena itself?

A. Yes; and a friend meeting me in the street, who said he was afraid they would subpoena me.

Q. And you became afraid too. You said you saw some Cavalry in Cooper-street?

A. I was not aware, at the time, that they were the Manchester Yeomanry.

Q. And you cannot know now?

A. I cannot swear that they were the Manchester Yeomanry Cavalry; but I have heard of it.

Q. Now that is exactly my case; you know there are other Cavalry besides the Manchester Yeomanry Cavalry?

A. Yes.

Q. Did you see Mr. Hulme, one of the Yeomanry Cavalry, carried off in, apparently, a lifeless state?

A. I am not aware of it; I cannot swear I did not; I have no recollection of it.

Q. You do not know whether that event took place, previous to the time of which you have been speaking?

A. I am not aware of it: I am not very well; it is well known to all my friends in Court, that I have not been well for some time.

Thomas Hopkins sworn and examined by Mr. Ewells.

Q. You are a carver and gilder in the town of Manchester?

A. Yes.

Q. Was you present at the meeting on the 16th. August, 1819?

A. I was.

Q. What hour did you go to the meeting?

A. I passed across the ground at about eleven o'clock, and returned about twelve.

Q. What was the conduct of the meeting, when you passed through at eleven?

A. There were numbers of people straggling through the ground; it hardly had the character of a meeting.

Q. What was it at twelve?

A. A much greater number at twelve; they were walking and talking to each other: a much greater number.

Q. At what part of the field was you at twelve?

A. Between the hustings and Peter-street, that goes across the middle of the area; but I took a station near to the hustings, when the crowd began to thicken, for the purpose of hearing what was said from the hustings.

Q. Was you there when Mr. Hunt arrived?

A. Yes; I was there from twelve o'clock till the time he arrived, about half past twelve.

Q. Was the meeting peaceable or otherwise, up to that time?

A. Perfectly peaceable, as far as I had any opportunity of observing.

Q. What caused the first disturbance you saw?

A. The first interruption to the orderly proceedings of the meeting, was by an intrusion of the Cavalry into the crowd; there were cheers before.

Q. What Cavalry was it?

A. I believe it to be the Manchester Yeomanry; I had no doubt at the time on my mind.

Q. From what place did they come?

A. They advanced from those houses, one of which, I understood to be Mr. Buxton's.

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Q. What did you see the Cavalry do?

A. They advanced at rather a quick trot at first; but as they approached the hustings, their progress appeared to be impeded.

Q. Go on?

A. They appeared to me to urge their horses forward, in consequence of the crowd they had to get through; they some of them waved their swords to and fro, threatening rather than striking, to clear the way: when they arrived at the hustings, some of them appeared to surround them—to go round them; and I saw some striking there, at the persons or at the poles of a flag; but my attention was immediately afterwards drawn to a party of the same body of Cavalry, who were cutting at the people in the direction in which I stood.

Q. Well?

A. I saw the people, or some of them, raise their arms to ward off the blows from the swords; the swords struck their arms: I saw one of their heads struck with a sword. By this time the outer part of the crowd gave way, and enabled me to escape from the field: there were heaps of persons lying on the ground; I had some difficulty in getting over. I got to the top of Bootle-street, where I met some few, perhaps four or five, young men with brickbats and stones in their hands; I got into a small street called Reger's Row, and after some difficulty, I got admission into a house.

Mr. Sergeant Hullock.—We have nothing to do with what took place there.

Witness.—I merely saw the Cavalry assemble again, and then wave their swords and cheer.

Q. The meeting I understand was very large?

A. Yes.

Q. Did you feel any alarm for your property?

A. Not from the people.

Q. Previous to the time you saw the Cavalry striking the people, did you see any stones or sticks thrown at them?

A. No.

Q. Did you see any resistance made to them whatever?

A. I saw no resistance, but what appeared to me to spring from the density of the people, that impeded the advance of the Cavalry.

Cross-examined by Mr. Serjeant Cross.

Q. What took you to the field?

A. Curiosity.

Q. There seems to be a deal of that curiosity at Manchester?

A. I suppose the same as in other places.

Q. And did you go for nothing else?

A. Only to observe what passed; I disapproved of the meeting, if that is what you mean.

Q. You did, did you; and was that the reason you went?

A. What because I disapproved of the meeting?—certainly not.

Q. You are not in the habit of attending meetings?

A. Sometimes; I have attended meetings of various sorts.

Q. I do not mean meetings of your servants and gilders?

A. There are seldom any of them.

Q. Public meetings?

A. I have attended them; but I do not often.

Q. Political meetings?

A. I have attended meetings from a similar motive and curiosity; I went on the ground on the occasion of the black-stone meeting; it was early.

Q. That was a meeting to go to London; you did not approve of that; I dare say you remonstrated with them?

A. I spoke to them.

Q. You had nothing to do with collecting this meeting?

A. Nothing whatever.

Q. You was in the midst of the crowd?

A. I certainly was.

Q. You made no resistance?

A. No.

Q. Nor received any blows?

A. No.

Q. You got clear off?

A. Yes.

Q. You took care of yourself?

A. Yes.

Q. What became of the young men with their brickbats and stones?

A. I escaped them.

Q. You do not know what became of the young men?

A. I was not likely to stop.

Q. Those who stopped with brickbats in their hands, I dare say, got blows from the Cavalry?

A. They were coming on, and I was getting off.

Q. Had they their hands full?

A. They had their arms up as if preparing to throw.

Q. Your curiosity was by this time satisfied?

A. Quite satisfied; at least as far as remaining on the ground.

Re-examined by Mr. Evans.

Q. Previous to your meeting with these young men with the brick bats, did you see wounds inflicted by the Cavalry?

Mr. Serjeant Cross.—I object to that question.

Mr. Evans.—I do not see what objection there is to the question; Mr. Serjeant Cross has examined as to these young men with the brick bats, and what was their object, and whether he did not get away from them; however I shall not press it.

Q. Was there any thing done, before you met these young men with the brick bats?

Mr. Serjeant Hullock.—His Lordship has got that already.

Edward Baines sworn: examined by Mr. Blackburne.

Q. Did you go to the meeting on the 16th. August, at Manchester, to report the proceedings for the Leeds Mercury?

A. I did.

Q. What time did you get on to the field?

A. At a quarter to twelve.

Q. Where did you go, to what part?

A. I walked about the field till half past twelve.

Q. Did you, in the course of that time, see many parties come on the field?

A. Several came in that time.

Q. Where did they go?

A. I apprehend as near the hustings as they could get.

Q. Till half past twelve you walked about the field, where did you then go?

A. I then went to the cart, which I understood was to form part of the hustings, in front of Windmill-street.

Q. Did you pay any attention to the people who came to the field; whether they had sticks?

A. I looked at them the whole time; a considerable number of them had sticks in their hands.

Q. Well?

A. These sticks were of a kind as countrymen walk with; exactly such as you see them with at races and all such occasions.

Q. Walking sticks?

A. Walking sticks; and sometimes lighter.

Q. You say you went on at half past twelve to this cart; did you afterwards change your position?

A. I did not; I went on with the cart; about half past twelve there was a second cart with horses, and of those two carts the hustings were formed.

Q. What was the meeting composed of?

A. All those who appeared to take any interest in the proceedings were poor people, nearly the whole; the general aspect of the people was poverty.

Q. Were they all men?

A. No; many of the parties were headed by women; I was surrounded by twenty girls dressed in white.

Q. Then there were a great number of women?

A. A considerable number of women and children.

Q. Were you there at the time Mr. Hunt came on the hustings?

A. I was.

Q. Had you before that, observed whether there were any constables on the ground?

A. I observed a great number; a large posse standing between the hustings and the row of houses.

Q. How were they formed?

A. Not in any regular manner; they were all standing together, conversing with each other. I was not acquainted with their persons, being only informed they were countables; they were not in any regular manner.

Q. How long had Mr. Hunt been on the hustings, before you saw any thing happen to the meeting?

A. I should think about ten minutes; he was a few minutes before he began his speech, and his speech occupied about five or ten minutes.

Q. What did you observe then?

Mr. Justice Holroyd.—Do you say it was ten minutes before he began?

A. No; a few minutes before he began his speech, and his speech occupied ten minutes; that time was spent in bringing the Women on to the hustings, who were crushed a good deal.

Q. You say he spoke about five or ten minutes, what then happened?

A. The first thing at all that happened, was a slight disorder in the outskirts of the meeting; Mr. Hunt observing it, stopped, and directed three cheers to be given; turning round, he said to those about him, "there is a panic in the outskirts, that is to rally them".

Q. Tell us what you then saw?

A. He had not resumed his speech, when I saw a body of Cavalry; they came from the direction of St. Peter's Church, and very irregularly, and in much disorder; they halted when they got near the hustings, the first line appearing to be before Mr. Burton's house.

Q. Up to this time, will you tell us what the conduct and demeanour of the people were?

A. I never saw any meeting more peaceable and quiet than that was, except cheers—a great many cheers.

Q. You saw the Cavalry advance towards the hustings?

A. After there had been a pause of two or three minutes, they advanced very rapidly into the crowd, in the direction of the hustings.

Q. Did you see them get up to the hustings?

A. I saw them only advance about ten yards into the crowd, and thinking at the time they were coming to take prisoners from the hustings, I leaped off from them.

Q. How far were they from the hustings at that time?

A. I had not been on the ground before, nor have I since; but they had advanced about ten yards in the crowd, and I should think from thirty to forty yards from the hustings.

Q. Had you paid any attention to the persons immediately round the hustings?

A. Yes; I had been looking about all the time, and, of course, had observed them more than any other persons.

Q. Did you then observe whether they had their arms locked in each other?

A. When I got there, there was a row of persons, a single circle, and they had their arms locked; that was at half past twelve.

Q. A single row you say?

A. A single row.

Q. How long did that continue?

A. A short time; they endeavoured to preserve a circle as long as they could, to preserve room for those coming to the hustings; it was broken continually and endeavoured to be re-formed without success.

Q. How were they at the time the Cavalry was advancing to the hustings?

A. Crowded close to the hustings, without any kind of order.

Q. Were their arms locked?

A. I could hardly distinguish; but they were quite close to the hustings, under the wheels of the carts.

Q. It was the first row of them?

A. They were crowded so close, there was no row behind the hustings; there was no locking of arms. I should say I saw the Cavalry advancing to the hustings from Mr. Buxton's house; I got off, and I did not see them; I had made but a short progress when they advanced to the hustings and wheeled round.

Q. What did you then observe?

A. I now saw that the crowd, by an impulse, was driven back, and I was taken to the distance of from thirty to forty yards from the hustings. I fell back instantly. I then got on a cart at the hustings, and I saw the Cavalry striking furiously at the people on and round the hustings.

Q. Well?

A. I saw part of the hustings overthrown, and a great number of men and women thrown under the horses' feet.

Q. Did you see any resistance offered at all by the crowd to the Yeomanry, in their advance to the hustings?

A. None whatever.

Q. Did you see stones or brickbats thrown?

A. None.

Q. Did you at any time?

A. I did not see a single stone thrown on the field.

Cross-examined by Mr. Littledale.

Q. You attended there as a reporter?

A. I did.

Q. Have you been in the habit of attending political meetings?

A. I have been; at that time I was.

Q. Did you ever attend any meeting at Manchester before?

A. Never.

Q. This was the first time of your appearing in the County of Lancaster, to attend a political meeting?

A. It was.

Q. I believe you have attended several at York?

A. Two or three.

Q. What newspaper is it you report for?

A. The Leeds Mercury.

Re-examined by Mr. Blackburne.

Q. Why did you attend this meeting—for what purpose?

A. To take a report of the proceedings.

Mr. John Shuttleworth sworn : examined by Mr. Evans.

Q. You are a wholesale cotton and twist manufacturer, residing at Manchester ?

A. I am.

Q. You were at the meeting on the 16th. August, 1819 ?

A. I was.

Q. At what hour did you arrive ?

A. About a quarter before twelve.

Q. Did you see many of the parties come on the ground ?

A. Several.

Q. They had flags and music, we understand ?

A. Generally they had.

Q. What kind of tunes did they in general play ?

A. I do not remember any tunes being played, during the progress of the parties ; but round the hustings, on one occasion, the tune of "*God save the King*" was played ; that was about half-past twelve ; the people in the immediate neighbourhood of the hustings, were uncovered during the time.

Q. Did you take notice of any constables ?

A. I passed through a double cordon of constables, that reached from Mr. Buxton's house to the hustings.

Q. Did you see any body of the military in Dickinson-street ?

A. I can tell, from half an hour before twelve : I was at the top of Windmill-street, on some elevated ground ; but when it was understood Mr. Hunt was coming on the ground, I went down Windmill-street, and took a station in the rear of the hustings, and about fifteen yards from the hustings——

Q. The rear of the hustings would be between the hustings and Windmill-street ?

A. Between Windmill-street and the hustings : I continued in this station until Mr. Hunt arrived, and then I got on the hustings.

Q. Well ?

A. Immediately after this, there was some confusion on the part of the crowd, near Mr. Buxton's house, which excited my attention ; and I stepped back a few yards for the purpose of ascertaining the cause. As soon as I was in a situation to see Dickinson-street, which

is at right angles with Cooper-street, I observed a regiment of infantry, which I afterwards understood to be the 88th. Regiment, turning out of Cooper-street, round the corner into Dickinson-street; they halted—when the whole body had passed the corner, they halted, and faced fronting the meeting.

Mr. Justice Holroyd.—Fronting the meeting of the people?

A. Yes; and within view of the angle of it, which is near Mr. Buxton's house.

Q. Well?

A. Mr. Hunt, seemingly noticing the confusion which prevailed on the part of the meeting, and who could not, from his situation on the hustings, see the cause, directed the people to cheer; and I heard him say to some person just behind him, that he did so to rally them.

Q. Well?

A. After this interruption, he went on with his address to the people, and he continued speaking for a few minutes—a short time, I should think not so much as a few minutes; when I observed the Manchester Yeomanry Cavalry turn the garden wall of Cooper's Cottage into Mount-street. Their presence caused considerable agitation, and after a lapse of a few moments, the people cheered. Immediately after the cheers of the people, the Yeomanry cheered also, and waved their swords about their heads; at the same time, I moved, during this reciprocal cheering, to the front of Mr. Buxton's house, and to a few yards of the left flank of the Yeomanry; there was a small mound of earth opposite Mr. Buxton's house, on the opposite side of the street, and on that I stood. During this time, the line of constables extending towards the hustings, were drawn back, or drew back, I do not know whether by orders or not; they drew back, and as that part of the meeting had been, during the whole of the morning, comparatively less crowded than any other, and as the people fell back also with the constables, they left an open space of perhaps forty or fifty yards, in front of the Yeomanry Troop.

Mr. Justice Holroyd.—What you call falling back, was not towards the Yeomanry?

A. Yes; towards the Yeomanry, so as to fall back on their left.

flank by Mount-street; it seemed to be done consentaneously, because it was more like a wheel. As soon as this place was cleared, I heard Mr. Birley say something; and in a few moments after, the Yeomanry proceeded towards the hustings. The first two or three files went off in order; but the remainder of the Troop galloped after them in considerable confusion; the speed of the horses was increased as they passed through the open space, until they got to the compact part of the crowd. It appeared to me as if, soon after they entered the crowd, they assumed a circular appearance, and I saw them striking the people; I continued looking on until they got up to the hustings, and then I left the ground through Lower Mosley-street, and met the Cheshire Yeomanry and the 15th. Hussars coming to the meeting: I went home immediately.

Q. We have understood that this was a very large meeting?

A. A very large meeting.

Q. Can you form any judgment of the number that might be there?

A. I have referred to a Letter—I think perhaps the best judgment that can be formed, for it was the impression made at the time.

Mr. Justice Holroyd.—You have refreshed your memory with something?

A. I have.

Q. What do you state as your impression?

A. I stated it at more than 50,000.

Q. That was your first impression?

A. That was my first impression.

Q. Could you form any opinion as to what proportion of the people were people of Manchester?

A. Including the outskirts, and those who took an active part in the meeting, I should think two thirds were from Manchester and the immediate neighbourhood.

Q. Previous to the attack of the Yeomanry, what was the conduct of the people?

A. The conduct of the people was orderly and correct in the most exemplary degree.

Mr. Justice Holroyd.—Orderly and what?

A. Orderly and correct—decorous.

Q. Did you see any stone, or sticks thrown at the military?

A. None.

Q. Did you feel any alarm for your property, on the day of the meeting of the people?

A. Not the slightest.

Q. Had you much property in the town of Manchester on that day?

A. It is a very difficult question; I had considerable.

Q. You mentioned that you passed through a cordon of constables, did you see the constables walk up and down?

A. Within two minutes I saw Mr. Nadin.

Cross-examined by Mr. Starkie.

Q. A cordon you call a double row?

A. No; one line.

Q. I suppose you took a note and put it all down?

A. I did.

Q. It would take you some time to write this out?

A. I do not know.

Q. I should like to know, I have some little curiosity; how long did it take you?

A. I should think ten minutes.

Q. Then you write quick; have you refreshed your memory?

A. Since I came to Lancaster I have looked at my evidence—my evidence at York.

Q. Which you have given in the same words, except some few; I do not remember your using the words “reciprocal shouting:” is that Mr. Runt you speak of, Henry Hunt Esquire?

A. Mr. Hunt.

Q. Is he a friend of yours?

A. He is not, nor an acquaintance.

Q. Perhaps you do not know Mr. Johnson?

A. I know him when I see him.

Q. Or Mr. Carlile?

A. Assuredly not; I do not know his person.

Q. Did you see Mr. Hunt?

A. Yes.

Q. Who was with him?

A. I cannot tell.

Q. You was at the Exchange that morning?

A. I was.

Q. Did you see Mr. Hunt come past the Exchange?

A. I did not.

Q. Did you see a number of these people come in?

A. I did; a considerable quantity.

Q. Where did you station yourself?

A. I was standing in front of the Exchange.

Q. We are told they came in "beautiful order;" every thing was conducted with great decorum?

A. I think so.

Q. They marched well?

A. They walked in tolerable order, but I saw nothing like marching.

Q. That you state?

A. I mean distinctly to state it.

Q. Like a sick club; men undrilled?

A. When I have been in a procession at Manchester, I have walked in the same manner.

Q. Perhaps you have been drilled?

A. I have.

Q. Now I ask you, on your solemn oath, if they did not march as if they had been drilled?

A. Certainly not; I saw nothing in my mind, as evidence of their having been drilled; I should not have concluded, from their mode of walking, that they had been drilled.

Q. They had music?

A. They had.

Q. Perhaps they did not keep time?

A. I think they might keep time, it is natural they should.

Q. I should like to know—perhaps we may differ only as to terms—I should like to know what you mean by marching, and keeping time?

A. Then, according to your meaning, they marched; what I mean by marching, is preserving an uniformity of step; it was a louncing step, while the music was faint.

Q. But the step was guided by the music?

A. Yes; I think it was.

Q. We shall not differ much; then they kept their step to the music?

A. I imagine so.

Q. Perhaps you have a good ear, you could do it without drilling?

A. If I was walking to music, I should keep step.

Q. Did you see a flag?

A. Yes.

Q. A black flag?

A. Yes.

Q. What was the inscription on it?

A. "Equal Representation or Death."

Q. Any other inscriptions?

A. I cannot give you any other inscriptions.

Q. Perhaps you did not take a note?

A. I did not.

Q. I will jog your memory; was it any thing like this, "Better to die like Freemen, than to live like Slaves"?

A. I did not observe.

Q. Was there any thing like a pike, with a bloody dagger?

A. It escaped my observation.

Q. If any such had been there, you must have seen it?

A. Why, I might.

Q. How near to the hustings was you, where these flags were arranged?

A. I was within fifteen yards.

Q. Within such a distance as you could read them?

A. Those that were near the hustings, I should conceive I could.

Q. Were they not placed round the hustings?

A. I think not—in a line towards the Quakers' meeting house—but very soon after the flags were lowered.

Q. Do you mean to represent, that at the time Mr. Hunt came to the hustings, they were not ranged round the hustings ?

A. I have an indistinct recollection; but I think they were not.

Q. Were there any such inscriptions on any one of these flags, near the hustings ?

A. I have no recollection of seeing it, either there or elsewhere.

Q. Then they escaped your observation ?

A. They certainly did.

Q. When the Cavalry appeared, the people moved off from the outskirts; when was it the people began to move off ?

A. I think it was not before the Cavalry began to make their appearance.

Q. When Mr. Hunt desired the people to cheer ?

A. They were going not off the ground, but in such a situation as to see Dickinson-street.

Mr. Justice Holroyd.—As if moving from their station to get a view of the 88th. Regiment.

Q. The expression was, that Mr. Hunt did so to rally the people ?

A. He desired the people to cheer those who were falling back, to see what was going on in Dickinson-street.

Q. You say that when the Yeomanry approached, those in front went slower than those in the rear ?

Mr. Justice Holroyd.—No; he said those in front went rapidly; he said the two first files went off in order, the others galloped after them confusedly.

Q. That may be moderated into a canter; do you mean gallop, or a canter ?

A. I think the whole of the horses' legs were off the ground at the time.

Q. Does that explain whether it was a canter or a gallop ?

A. I understand by it, a gallop.

Q. You doubt whether it was not a canter ?

A. I have heard it called differently.

Q. Are you speaking from your own observation ?

A. I have told you what the action was.

Q. You have represented that it was a gallop?

A. I mean to do so,

Mr. Justice Hale.—He said it might be a canter; but he called it a gallop.

Witness.—The left flank went off in order; the right flank before their turn, in order to proceed across at an angle to overtake the left flank, and that was at a gallop.

Q. They took a nearer course?

A. They did.

Q. If they had taken a more circuitous course, they would have gone quicker still?

A. If they had gone at once, they would have gone at the same pace.

Q. But they went at a quicker pace?

A. They had broken out of rank.

Q. In order to get up to the foremost?

A. That appeared to be their object.

Q. How far had the Yeomanry got before you, when you saw them striking with their swords?

A. I should think not more than ten yards, in the compact part of the crowd.

Q. How far from the place where they set out—*Mr. Buxton's* house?

A. Perhaps sixty or seventy yards, perhaps not so much.

Q. That was some time before they got to the hustings?

A. Yes.

Q. You did not see them get to the hustings?

A. Yes; I waited.

Q. How far were they from the hustings, before you saw a blow struck?

A. Perhaps thirty or forty yards, perhaps not so much; I am not certain.

Q. It is of importance to be certain?

A. It is quite impossible I should be accurate.

Q. Do you venture to represent to the Jury, that you saw any of the Yeomanry strike, after they had got forty yards?

A. I think it was more ; I have stated my belief.

Q. Do you swear that you saw them strike, before they got to the hustings ?

A. I swear it distinctly ; that is my impression.

Q. Do you venture to swear, that before they got twenty yards, any of the Yeomanry used their swords ?

A. I venture to swear, that before they got to the hustings, they commenced striking, and that the distance was twenty yards from the hustings.

Q. Did you hear a person of the name of Burgess examined here yesterday ?

A. Yes ; I was in court all day yesterday, with the exception of half an hour.

Q. Do you recollect what he said ?

A. I have not a distinct recollection.

Q. I put it to you once more, whether you will venture to swear that which you have already sworn ; whether any one of the Yeomanry struck at the distance of twenty yards from the hustings ?

A. I saw striking by the Yeomanry ; by one or more.

Q. Will you swear to two ?

A. I will.

Q. To five ?

A. I will ; I should think twenty or thirty.

Q. Then you will swear to twenty or thirty striking at the distance of twenty yards ?

A. To the best of my belief, twenty yards.

Q. Of course you have an intimate acquaintance with all the Manchester people, those who were likely to attend a meeting of this kind—the lower orders ?

A. My acquaintance is not much among them.

Q. Then how do you estimate that two-thirds of the Manchester people were present ?

A. My mode of calculation was this ; I considered that there were no country people, except those who attended in procession.

Q. Then your calculation was founded on the fact, that there were no country people present who did not march in procession ?

A. I do not say there were none ; however, these are matters about which there can be no certain opinion.

Q. Then, according to your calculation, there were fifteen or twenty thousand came from the country in procession ?

A. There might be.

Q. Which you yourself saw ?

A. I saw only that division from the country, which passed the Exchange.

Q. Then, in your judgment, those who marched in procession amounted to from fifteen to twenty thousand men ?

A. I should think so.

Q. Have you been active in procuring the attendance of witnesses in this business ?

A. Certainly not.

Q. Have you had any communication with Mr. Hayward ?

A. I have had two or three ; Mr. Hayward, I believe, is not a Manchester attorney ; indorses Took's Court, Chancery-lane.

Q. Have you been long acquainted with him ?

A. I can scarcely call him an acquaintance, it being only since E was subpoenaed.

Q. Have you had conversations with him ?

A. I have had several conversations with him.

Q. Are you a member of the Committee connected with the meeting ?

A. I was a member of the Committee for the relief of the Sufferers.

Re-examined by Mr. Evans.

Q. Pray, Mr. Shuttleworth, where was you drilled ?

A. At Manchester ; I believe in Salford.

Q. At what period ?

A. I believe after the renewal of the French war ; when the system of volunteering commenced, after the renewal of the French war.

Cross-examined by Mr. Starkie.

Q. You do not know Mr. Redford, the plaintiff?

A. I do not; I believe I have seen him.

Q. Had you any conversation with him?

A. If I had any conversation with him, it must have been after the meeting; I should not know him.

Re-examined by Mr. Evans.

Q. Did you see any difference in the manner these people came on the ground, and benefit societies?

A. I did not.

Mr. Robert Greg sworn: examined by Mr. Blackburne.

Q. I believe you are a merchant in Manchester?

A. Yes; I am.

Q. Were you on Saint Peter's field on the 16th. August, 1819?

A. Yes; I was.

Q. What time in the day did you go?

A. I went on the field a little before twelve o'clock.

Q. Where did you go; what part of the field?

A. I shortly after left the field to see Mr. Hunt pass.

Q. Did you afterwards come on the field again?

A. I afterwards returned to the field?

Q. Where did you take your station?

A. I took my station on a spot behind the hustings; on a rising ground.

Q. Near to the Windmill public house?

A. I do not know the public house.

Q. From that station, had you an observation of Mr. Buxton's house and the hustings?

A. Yes; I had.

Q. It was a rising ground?

A. A rising ground.

Q. Did you see any Cavalry advance on the multitude?

A. Yes, I did; I saw the Yeomanry Cavalry advance from Mr. Buxton's house towards the hustings.

Q. How far did you see them advance towards the hustings?

A. I saw them advance and surround the hustings or nearly so.

Q. In their advance to the hustings did you see them do any thing ?

A. I cannot say I saw them do any thing in advancing to the hustings.

Q. At what speed did they advance ?

A. They advanced at a very quick pace ; it might be a canter ; it was irregular, they did not all go at the same pace.

Q. You say you saw them go up and surround the hustings ; in the course of their passage from Mr. Buxton's house to the hustings did you see any resistance offered to them ?

A. I did not.

Q. Did you see any stones or brickbats or any thing of the kind thrown at them ?

A. Nothing.

Q. You say you was on a rising ground ; how far was that from the hustings ?

A. It might be forty yards, about half way between Mr. Buxton's house and the hustings, rather in the rear.

Q. Did you afterwards see any person who was wounded ?

A. Yes ; I did.

Mr. Justice Holroyd.—He saw some person who complained.

Mr. Blackburne.—A question has arisen whether any were wounded.

Q. Did you see any person wounded ?

A. I saw a person lying down, afterwards, when the ground began to be cleared.

Q. Did you see any constables between Mr. Buxton's house and the hustings ?

A. Yes, I did ; a line of them.

Q. Tell us where it began and how far it extended ?

A. It began not far from Mr. Buxton's house and extended near to the hustings ; but whether close up to the hustings, I cannot say.

Q. Have you a warehouse in Manchester, Mr. Greg ?

A. Yes ; we have.

Q. I think I understood you to say that you saw several parties come on to the field?

A. I saw Mr. Hunt's party.

Q. Will you tell us what your impression was of the conduct and demeanour of the multitude?

A. The conduct of the meeting was perfectly quiet and peaceable in every part.

Q. Did you feel any alarm?

A. No; I felt no alarm.

Q. I mean for the safety of your property?

A. No.

Mr. Serjeant Hullock.—I will not trouble you.

Mr. Barrett sworn: examined by Mr. Evans.

Q. What is your christian name?

A. Joseph.

Q. You reside at Newton Heath?

A. Yes.

Q. You are a manufacturer there?

A. Yes.

Q. I believe you employ a considerable number of men yourself?

A. From one to two hundred.

Q. From one hundred to two hundred?

A. Yes.

Q. Was you at the meeting at Manchester on the 16th. August?

A. I was.

Q. At what hour did you go down?

A. About ten o'clock.

Q. Did you see several parties arrive on the ground?

A. I did.

Q. We understand they had flags and music?

A. Yes.

Q. Did you take particular notice of the tunes they played?

A. I remember "Rule Britannia".

Q. What part of the field was you in?

A. I was in a house near to Mr. Buxton's house, next to the Windmill public house.

Q. Had you a full view of the field?

A. I had.

Q. What was the character of the meeting — was it peaceable, or otherwise?

A. Perfectly peaceable.

Q. Did you see the Manchester Yeomanry Cavalry come on the ground?

A. I did.

Q. What did you see them do?

A. They formed in front of Mr. Buxton's house.

Q. What then?

A. After a short pause, they pressed towards the hustings.

Q. At what rate did they go towards the hustings?

A. When they got to the compact body they stopped, and then they walked.

Q. What did you see them do then?

A. I saw them surround the hustings, and Meagher brandished his sword; I thought he struck the people with the flat side of his sword.

Q. What did they do after they had surrounded the hustings?

A. Some of them began to strike upon the hustings.

Q. Previous to their cutting, did you see any resistance made to them by the people?

A. None.

Q. Did you see the Yeomanry Cavalry strike any body?

A. I did, after the hustings were cleared.

Q. Did you see any stones, brickbats, or sticks, thrown?

A. I did not.

Q. How near was you to the hustings?

A. About thirty yards.

Q. Had you the means of accurately observing what took place?

A. Certainly; I was on the second story.

Q. Was the meeting peaceable, or otherwise, before the Cavalry advanced?

A. Yes.

Q. Did you take notice whether the people in general had sticks?

A. I saw very few sticks.

Q. Were they larger than walking sticks ordinarily are?

A. No.

Mr. Thomas William Sanderson sworn: examined by Mr. Evans.

Q. Thomas William Sanderson, is that your name?

A. Yes.

Q. You are a merchant residing at Manchester?

A. I am there occasionally — I do not reside there.

Q. You are a partner in a firm?

A. I have an establishment there.

Q. Was you at Manchester on the 16th. August, in the year 1819?

A. I was on the ground previous to Mr. Hunt's coming on.

Q. Did you leave immediately after he came on?

A. I left immediately after.

Q. What was the conduct of the meeting while you was there?

A. From what I was able to observe, they were orderly and quiet.

Q. Did you feel any alarm?

A. No; I felt none.

James McKennell sworn: examined by Mr. Evans.

Q. You are a salesman in the house of Bramall and Company, of Manchester?

A. Yes.

Q. Was you at the meeting on the 16th. August, 1819?

A. I was.

Q. What hour did you get there?

A. About half past ten.

Q. Whereabouts in the field was you?

A. On the steps of Mr. Buxton's house; but not at that hour.

Q. At what hour were you?

A. From about half past twelve till the meeting was dispersed.

Q. Did you go into Mr. Buxton's house?

A. I did.

Q. What was the conduct of the meeting till the time you went into Mr. Buxton's house; was it peaceable, or otherwise.

A. Perfectly peaceable.

Q. Did you feel any alarm?

A. I did not.

Q. Did you see the Yeomanry Cavalry come on the ground?

A. I did.

Q. Did you see them advancing into the body of the people?

A. I did.

Q. At what rate did they advance?

A. At a brisk trot.

Q. What did you see them then do?

A. I saw the Yeomanry advance fast towards the hustings, surround the hustings, and immediately I saw the flags or banners falling from the hustings.

Q. Did you see them do any thing?

A. I saw the Yeomanry's swords raised up and down; but I cannot swear to seeing any person cut.

Q. Did you see any resistance made to the Yeomanry?

A. None whatever.

Q. Did you see any stones, brickbats, or sticks thrown?

A. None.

Q. Was you in such a situation that you think you must have seen them thrown, if they were thrown?

A. I cannot answer that exactly; I was at a considerable distance, I was on the steps of Mr. Buxton's house. If stones had been thrown I could not have seen them.

Q. Had they been thrown between you and the hustings, could you have seen them?

A. I think I could have seen them forty or fifty yards from the house.

Q. Did you take notice of what sticks there might be in the people's hands?

A. I did; I saw the people with sticks certainly.

Q. What size might those sticks be?

A. Various sizes, such as you see country people walk with.

Q. Did you see any wounded persons?

A. I did not.

Q. Afterwards?

A. Afterwards I did.

Mr. Serjeant Hullock—objected to the evidence.

Mr. Evans.— I submit this is evidence, as much as if a person fired a pistol, and a man was found near him dead, killed with the pistol bullet; he swears he saw the swords move up and down.

Mr. Justice Holroyd.— What is the question here? It is that the Yeomanry Cavalry, in going up to the hustings, to disperse the meeting, by the direction of the Magistrates, committed this injury on the plaintiff. Whether any other persons were wounded does not go to shew any thing with regard to the individual in question; for it is to be recollected that this is an action by an individual to recover damages.

Cross-examined by Mr. Serjeant Hullock.

Q. You say you stood upon the steps of Mr. Buxton's house, from half past twelve till the meeting was dispersed?

A. I did.

Q. By whom was the Riot Act read?

A. I never heard it read.

Q. Was there such a noise?

A. I heard no particular noise.

Q. Then you heard nothing read out of the window of Mr. Buxton's house?

A. I did not.

Q. And yet you was standing on the steps?

A. I was never absent from the steps.

Q. You know the room in which the Magistrates were assembled was over your head?

A. Yes.

Q. And yet you heard no such thing?

A. I did not.

Q. Did you attempt to penetrate to the hustings?

A. I never went from the steps.

Mr. Justice Holroyd.—You went into the house?

A. That was prior to taking my station.

Q. Then you cannot tell us how near the line of Constables, or two lines of Constables extended?

A. I could not; I could see down the line.

Q. But whether it terminated before it reached the hustings, you could not tell?

A. No.

John Hobson sworn: examined by Mr. Evans.

Q. You live at Heath Green, a short distance from Manchester?

A. I do.

Q. Are you of any trade or profession?

A. No; I am not.

Q. Were you at the meeting at Manchester on the 16th. August, 1819?

A. I was.

Q. Where was you?

A. In a house behind the hustings.

Q. What hour did you go there?

A. I do not remember; it was in the afternoon.

Q. Did you see any parties arrive?

A. Nearly all of them.

Q. They had both flags and music?

A. Yes; both.

Q. Did you see the Manchester Yeomanry come on the ground?

A. I saw a troop of Cavalry come on the ground; and I understood some, if not all of them, were the Manchester Yeomanry?

Q. Up to that period was the meeting peaceable or otherwise?

A. Quite peaceable.

Q. Was you alarmed?

A. No, Sir.

Q. What did you see the Manchester Yeomanry do?

A. I saw them come on the ground, go up to the hustings, and surround it.

Q. What did they do after they had surrounded the hustings?

A. They began to strike with their swords, at the musical instruments, and cut them to pieces, and strike the flags.

Q. Previous to the Cavalry striking at the people, did you see any resistance made?

A. None.

Q. Did you see any stones thrown at them, or sticks thrown before that period?

A. I did not.

Cross-examined by Mr. Serjeant Cross.

Q. Can you tell us any thing about the parties to this cause, because we have not heard of them to day?

A. No.

John Hibbert sworn: examined by Mr. Evans.

Q. You are a cotton carder at Lees?

A. I am.

Q. Was you at the meeting on the 16th. August, at Manchester?

A. Yes.

Q. What part of the field was you in?

A. I was in front of the hustings, between the hustings and the Quakers' meeting-house.

Q. What hour did you come on the ground?

A. A little before twelve, I think.

Q. Was the meeting peaceable at the time?

A. Yes.

Q. Did any thing disturb it afterwards?

A. Yes; it was disturbed afterwards.

Q. By what?

A. By the appearance of the Yeomanry Cavalry.

Q. What did you see them do?

A. I saw them strike the people.

Q. Previous to their striking the people, did you see any resistance offered to the Cavalry?

A. Not the least.

Q. Were any stones thrown at them, or brickbats?

A. I saw some stones thrown, after the Cavalry had dispersed the people.

Mr. Serjeant Hullock.—The stones of the street rose up in judgment against them.

Q. Previous to the cavalry striking the people, did you see any stones thrown at them?

A. No.

Q. Do you know any thing of a black flag that was carried by the Saddleworth party?

A. Yes.

Q. Do you, of your own knowledge, know how that happened to be black?

A. I do.

Q. Explain?

A. It was painted black in consequence of the painter having no other colour or paint with him at the time, of any colour or kind.

Mr. Justice Holroyd.—How do you know that?

A. I know it from what he said.

Q. Do you know where the painter came from?

A. Yes; from Lees.

Q. Did you see what colours he had with him?

A. I saw what colours he had with him, I believe.

Q. Did he paint it in your presence?

A. He did.

Q. Did you hear any orders given to him, what colour to paint it?

A. There was no order; I mean in my presence.

Q. Did you come alone, or in a party, to Manchester?

A. I came by the side of a party.

Q. Do you know of what number that party consisted?

A. Sometimes more, and sometimes less.

Q. When the numbers were the largest?

A. Six or eight thousand.

Q. Had any party joined you?

A. Yes.

Q. What party?

A. All the party that did join between that and Manchester.

Q. What were they?

A. Royton, Oldham, and Failsworth.

Q. Had you any musical instruments?

A. I saw no musical instrument, to the best of my recollection.

Q. What flags?

A. Black flag; one from Oldham, one from Royton, and one from Failsworth.

Cross-examined by Mr. Serjeant Cross.

Q. Lees?

A. Lees, Mosley, and Saddleworth.

Q. These different townships would extend over a considerable part of the county?

A. They are not townships all of them.

Q. Did you pay for the flag?

A. I paid something towards it.

Q. And the rest of the committee paid their shares?

A. Certainly.

Q. How much did each member give?

A. There were more gave than the committee.

Q. How much did you give?

A. I cannot say.

Q. There was a collection made?

A. There was money given.

Q. How many contributed—hundreds?

A. I do not know; I think not.

Q. Who collected the money?

A. I am not certain; so I cannot tell.

Q. Who received yours?

A. I do not know.

Q. So you paid a sum, you know not what, to a man, you knew not who?

A. Yes.

Q. How many members were in the committee?

A. I am not particularly aware that there was a committee.

Q. Where did they meet?

A. At a place called Shelderslow.

Q. Where?

A. Saddleworth.

Q. At a public or private house?

A. At a private house.

Q. Saddleworth is in Yorkshire?

A. Saddleworth is in Yorkshire.

Q. Whose house was it?

A. I do not know the name of the man.

Q. How far from your own house?

A. Perhaps a mile.

Q. How long before the 16th. August did the committee settle these corps were to meet on Oldham Green?

A. I never knew it was settled that they were to meet on Oldham Green.

Q. How came you to meet there?

A. I did not meet there.

Q. You belong to the Lees party?

A. I came from Lees.

Q. How far from Oldham?

A. Two miles.

Q. The Lees met the Oldham?

A. They joined on the way.

Q. Do you not know that they met on Oldham Green?

A. I am not aware.

Q. Did you not hear the men tell?

A. I am not aware.

Q. You cannot tell us by what accident these meetings assembled in the same way?

A. It was further from Lees than Oldham.

Q. They met by accident?

A. They waited for one another.

Q. Where used the Lees people to walk about, in the evening, in order to go handsomely to Manchester?

A. I do not know that they walked about any where, in order to walk handsomely to Manchester.

Q. Then perhaps they walked worse than the rest?

A. I did not take notice of that circumstance.

Q. You never saw people walking of an evening?

A. Yea; I have seen people walking up and down.

Q. And men calling out "halt" and "march"?

A. Never, except soldiers; and except boys at play.

Q. How long before?

A. I cannot say, perhaps when I was a boy myself.

Q. You marched by their side?

A. I went sometimes behind, sometimes before, more of a side with them.

Q. I do not know whether it was your place to say "halt" and "march"?

A. No, it was not.

Q. Then there were 6,000?

A. I think there might be.

Q. The women would march by their side?

A. I saw in one company, women bearing the flag.

Q. Was it the Lees Flag?

A. It was the Failsworth flag.

Q. The Failsworth joined with a troop of females?

A. Yes.

Q. All dressed in white?

A. Yes.

Q. And a black flag?

A. I think it was not.

Q. When you got on the ground they gave you a rare shout?

A. I think there was a shout.

Q. And your drums would go nicely ?

A. I never saw drums, unless it was a double drum.

Q. It was two drums in one was it ; they had a bugle ?

A. I heard the sound of a bugle.

Q. Your corps of 6,000 or 8,000 marched to the sound of a bugle ?

A. I believe it did.

John Lee sworn : examined by Mr. Evans.

Q. You lived at Chetham on the 16th. August, 1819, at the time of the meeting ?

A. I did.

Q. You are a pattern drawer ?

A. Yes.

Q. Was you at the meeting on the 16th. August, 1819 ?

A. Yes.

Q. At what part of the meeting was you ?

A. I stood very near the Windmill public-house, six or seven yards from the hustings.

Mr. Justice Holroyd.—How far from the hustings ?

A. Not more than ten yards.

Q. Was the meeting peaceable, or otherwise ?

A. I never saw any thing different till the Cavalry came on the ground.

Q. What did you see the Cavalry do ?

A. I saw them cut, and felt it too.

Q. Where were you when you was wounded ?

A. About twenty yards from the hustings, making the best of my way from the ground.

Q. Do you know the person who wounded you ?

A. I do.

Q. Who was he ?

Mr. Serjeant Hullock — objected to the question.

Mr. Justice Holroyd.—Before he answers the question I must know whether it is evidence.

Mr. Evans.—I ask this question to shew that the defendants were acting with the same object. I contend that it is clearly evidence.

Mr. Justice Holroyd.—I think it is not.

Mr. Evans.—Your Lordship will receive it or not.

Mr. Justice Holroyd.—In this question, the fact of wounding another person is not evidence.

Q. Can you mention who were present?

Mr. Justice Holroyd.—You may ask as to whether Captain Birley was there.

Witness.—Yes; it was him who cut me.

Mr. Serjeant Hullock.—That is very improper: you was told by his Lordship not to answer.

Q. Do you know if Alexander Oliver was there?

A. I do not.

Q. Previous to the Yeomanry cutting the people, was any resistance offered to them by the people?

A. I never saw them.

Q. Were any stones, or sticks, or brickbats, thrown at the military before they began cutting?

A. I never saw any thing of the kind.

Rev. Edward Stanley sworn: examined by Mr. Blackburne.

Q. You, I believe, are the Rector of Alderley, in Cheshire?

A. I am.

Q. Brother to Sir Thomas Stanley?

A. Brother to Sir John Stanley.

Q. On the 16th. August, 1819, had you any business with Mr. Buxton?

A. I had.

Q. How far do you live from Manchester?

A. Between fifteen and sixteen miles.

Q. You came into Manchester on the morning; about what time?

A. As near twelve o'clock as possible, I entered Mosley-street.

Q. In your passage up Mosley-street, did you meet with any number of people?

A. I did.

M

Q. Walking?

A. Walking.

Q. In what manner?

A. They were coming down the street, walking in a procession, six, or seven, or eight abreast, and arm in arm.

Q. Was you on horseback?

A. I was.

Q. Were they any interruption to your passage?

A. No. Should I explain?

Q. Tell us the reason.

A. As I was going down the street, some persons on the pavement desired me——

Q. I do not wish to know what the persons on the pavement desired you to do: I do not wish you to tell us the conversation, but simply to relate what happened?

A. I passed through them.

Q. By their opening to give you way?

A. Certainly.

Q. Did you on that day go to Mr. Buxton's house, and what time did you get there?

A. I got to Mr. Buxton's house, I should think, a quarter after one.

Q. Did you go into a room there, where the Magistrates were assembled?

A. I did.

Q. How long did you remain there?

A. I should think about from eight to ten minutes.

Q. During the time you was in the room, did Mr. Hunt arrive on the ground?

A. He was called Mr. Hunt; he was in a barouche.

Q. And a multitude accompanying him?

A. A vast multitude.

Q. I believe there was a cheer given by the populace at the time when he did arrive?

A. Atremendous shout.

Q. Did you remain in the room, or did you go elsewhere ?

A. I did not remain there ; I went into the room above it.

Q. Were there any other persons in the room besides you ?

A. Several.

Q. Did you see the Manchester Yeomanry come on to the ground ?

A. I did.

Q. And form in front of Mr. Buxton's house ?

A. They formed with their left flank a little to the right of the special constables, and a few yards to the right of Mr. Buxton's house.

Q. You say to the left of the line of special constables ?

A. Their left flank was on the right of Mr. Buxton's house.

Q. You saw the line of constables ; where did it extend to ?

A. It extended from the door of Mr. Buxton's house, apparently up to the hustings.

Q. Was there more than one line of constables ?

A. There were two lines of constables.

Q. What was the interval between them ?

A. Near Mr. Buxton's house and the mob, three or four feet.

Q. Afterwards, the line was closed by the pressure of the mob, expanding again when they came near the hustings ?

A. According to my observation ; to the best of my judgment ; such is the impression on my mind.

Q. Of course you saw the people collected ?

A. Certainly.

Q. In a large mass ?

A. In a very large mass.

Q. What was it enabled you to distinguish the special constables from the rest ?

A. They were superior-dressed people, had their hats on, and their staffs were constantly appearing, and they were nearer the hustings.

Q. And the people round the hustings had their hats off ?

A. My general impression is, all, to speak accurately.

Q. The people on this side of the area of Peter's Field were not so numerous ?

A. There were more stragglers, and no crowd.

Q. You saw colours and caps of liberty on the ground ?

A. I did.

Q. What number of either the one or the other ; perhaps you do not distinctly recollect ?

A. I cannot say.

Q. You heard Mr. Hunt speak ?

A. No ; I could just hear his voice, but I was not able to distinguish what he said.

Q. How long had that taken place before you saw the Cavalry advance towards the hustings ?

A. From their halt, I should think three minutes.

Q. From the time you heard Mr. Hunt ?

A. Not from the time I heard Mr. Hunt ; he was speaking before I arrived.

Q. Then from the time of the halt ?

A. Two or three minutes.

Q. When you saw them advance towards the hustings, with what speed did they go ?

A. They were formed in an irregular mass ; those on the left advanced in some sort of order. They went on at first, for a few paces, at no very quick pace ; but they soon increased their speed, till it became a sort of rush or race amongst them all towards the hustings.

Q. Did you observe the effect that this had upon the people, whether it caused them to disperse or not ?

A. They could not disperse instantly.

Q. But on the outside of them ?

A. On the right, in front of the hustings, they immediately began to melt away as it were, as far as they could at the extreme.

Q. The outward edge of the meeting ?

A. The outward edge, in front of the hustings.

Q. Did you observe the Cavalry when they got first among the thick part of the meeting ?

A. Their speed was diminished as soon as they came in contact with the dense mob.

Q. Well?

A. But they worked their way to the hustings still, as fast, under existing circumstances, as they could.

Q. From the place in which you were, I believe, you had a very commanding view of the hustings?

A. I looked down upon it like a map.

Q. I understood you, you had been also in a room below that, and looked through there?

A. I had.

Q. Which, in your opinion, was the better place for a correct observation of what passed at the meeting?

A. Decidedly, the highest room.

Q. Did you watch the advance of the Cavalry from their place up to the hustings attentively?

A. I did.

Q. Did you see either sticks, or stones, or any thing of the kind, used against the Cavalry in their advance up to the hustings?

A. Certainly not.

Q. Did you see any resistance whatever to the Cavalry, except the thickness of the meeting?

A. None.

Q. Do I understand you to say, you saw them surround the hustings, or not?

A. Surround, I could not say, for the other side of the hustings, of course, was partially eclipsed by the people upon it.

Q. But you saw them encircle part?

A. Encircle part.

Q. Did you see what was done when they got there?

A. Yes.

A. Will you tell us what it was that you saw done?

Q. I saw the swords up and down, the orators tumbled or thrown over, and the mob dispersed.

A. In your judgment, what length of time elapsed between the

cavalry first setting off into the meeting and the time of their complete dispersion?

A. Starting from their halt to the final dispersion of the meeting, I should think from three to five minutes; but I cannot speak to a minute.

Q. In your judgment, it took from three to five minutes. You did not observe it by a watch?

A. No.

Q. Did you see any other troops come into the field?

A. I did.

Q. What were they?

Mr. Justice Holroyd.—He says he saw what?

Mr. Blackburne.—Other troops come into the field.

Q. When was it that you saw them come into the field?

A. When the mob around the hustings were dispersing rapidly, and, I think, Mr. Hunt was taken off.

Q. What were those troops that you saw come into the ground then?

A. First came in, on the left of Mr. Buxton's row of houses, the Cheshire Yeomanry, who filed to the left.

Mr. Justice Holroyd.—You mean to the left, looking from the house?

A. When I am looking towards the hustings, to the left.

Q. When you are looking from the house then?

A. From the house.

Q. Where did the Cheshire Yeomanry take up their position, when they came on on the ground?

A. They took up their position in the rear of the hustings, rather in advance, I think, of some mounds of earth.

Q. Do you know Windmill-street?

A. I know no street.

Q. You don't know its name?

A. I know no name.

Q. You say near a rising ground?

A. There is a sort of little elevated bank or ground.

Q. Had the multitude from that part been dispersed?

A. The multitude in the rear were pretty much as they were at first, I think, they were dispersing, but not so rapidly.

Q. Do you mean in the rear of the Cavalry?

A. In the rear of the hustings.

Q. The Cheshire Yeomanry position was in the rear of the hustings?

A. Part near amongst these people.

Q. What other troops, besides the Cheshire Yeomanry, did you see come on to the ground?

A. Soon after the Cheshire Yeomanry had come in and taken their position, a troop of Dragoons, I think the 15th., came in under the windows of Mr. Buxton's house.

Q. You say you think they were the 15th. Hussars?

A. They were called the 15th. Dragoons — they had Waterloo medals.

Q. Where did they take up their position?

Mr. Justice Holroyd. — Near Mr. Buxton's house, he said.

Q. Did they continue there?

A. They halted or paused for a moment or so, a little to the left of Mr. Buxton's house, a very little to the left, almost in front, inclining to the left.

Q. What others did you see come on to the ground besides them and the Cheshire Yeomanry?

A. At the close of the business I saw some artillery driving through the place.

Q. Was there any other besides those, that you saw take up any position on the ground?

A. None, on the ground.

Q. At this time, was the whole of the multitude dispersed?

A. It was dispersing most rapidly; I may say dispersed, except in partial spots.

Q. After leaving the hustings, to which part of the field did the Manchester Yeomanry go?

A. To all parts: I think more behind the hustings, and on the right; they did not come back to me so much.

Q. Do you know the Quakers' meeting-house?

A. I have heard where it is since ; then, I did not know.

Q. Was it that way that they went ?

A. If you could point out, in a plan, the Quakers' meeting-house, I could tell you if they went that road.

Q. There is the Quakers' meeting-house you will see written on the plan.

A. Some went that way.

Q. Some of the people too dispersed in that direction, did they ?

A. The people dispersed in every direction.

Q. I am not sure whether I asked you before, whether from your situation in this window, if any stones, or brickbats, or sticks, had been raised against the Cavalry, in their way to the hustings, you must have seen it ?

A. I think I must have seen it.

Cross-examined by Mr. Serjeant Hullock.

Q. Will you venture to swear, Mr. Stanley, that no stones, nor brickbats, would be thrown during the advance of the Cavalry towards the hustings, without your perceiving it ?

A. I can only venture to say, that I saw none.

Q. I believe you have favored the Public with an account of this transaction ?

A. No ; I have not.

Q. You printed or wrote something ?

A. It was a circulation among my friends. I wrote something which was never published.

Q. There was a document, written by you, circulated among your friends ?

A. Among my friends.

Q. Before that time, had you seen, yourself, and read any publication, either in manuscript or print, on this subject ?

A. I had read the reports in some papers, naturally, after that time ; and I might have seen a pamphlet, printed at Manchester.

Q. Then you had seen several accounts which had been given to the world before you wrote ?

A. Yes ; I saw the reports of the papers immediately after the meeting.

Q. Whose account did you see, besides the reports in the paper?

A. A Mr. Philips's.

Q. You, it seemed, entertained a different view of the transactions that had taken place upon this day, from those which had been given to the world before that time?

A. I do not know; I should say a different view from some, perhaps, and coinciding with the views of others.

Q. Coinciding with the views of some, and differing from the views of others?

A. Respecting stones.

Q. No matter what. You are a Magistrate, I understand?

A. I am not.

Q. Of neither Cheshire nor Lancashire?

A. No.

Q. I beg your pardon. You, however, was in the Magistrates' room, I think you said, at Mr. Baxton's.

A. I was.

Q. Of course you had an acquaintance with the gentlemen who were then there assembled; as acting Magistrates of the Committee for the counties of Chester and Lancaster?

A. With two or three, I had.

Q. Probably upon terms of intimacy with one of them?

A. Certainly.

Q. Was that gentleman there at that time?

A. He was.

Q. Did it occur to your mind at the time that the Cavalry were sent for, (because you went to back a window, and saw the messenger crossing the field, for the purpose of bringing them to the place, and were told or heard there was a rumour in the room above, that the cavalry had been sent for;) did it occur (attend to my question,) to you, at the time, from the observations which you had made upon the subject, that that step was improper or premature?

A. I don't think it occurred to me either one way or the other.

Q. Am I to understand from that, then, that you exercised no judgment upon the subject, at that time?

A. I certainly did exercise some judgment, some opinion upon it, at the time.

Q. Having exercised some judgment upon the subject, I ask you whether, in your judgment, such as you exercised upon that point, the step was either improper or premature?

A. I saw no necessity for it.

Q. Then you deemed it premature?

A. I saw no necessity for it.

Q. It struck you, then, as an unnecessary act?

A. Certainly.

Q. Then you would go down, of course, immediately, and speak to your friend upon the subject?

A. No.

Q. Nor ever expressed to either that friend or to any other, at the time, your opinion with respect to the impropriety of the step?

A. I had no other friend to speak to.

Q. Did you speak to him?

A. I did not go down into the room again.

Q. Probably you might, being a gentleman of considerable acquaintances, meet with some friend on going home, and might ride home with some gentleman; at least a part of the road?

A. Part of the road, I did.

Q. Mr. Markland, I presume?

A. I overtook Mr. Markland.

Q. Did you express any opinion to Mr. Markland upon these proceedings?

A. Probably I did; but I have not the most distant recollection.

Q. I ask you, upon your oath, Mr. Stanley, if you did not express to him your entire concurrence in, and approbation of, the measures adopted by the Magistrates?

A. I answer, upon my oath, that I do not recollect having said any such thing.

Q. Can you tell me, whether you expressed any disapprobation of the measures, which it had been deemed necessary to adopt?

A. I have no recollection whatever of the conversation.

Q. Then you mean to represent to us now, that your feelings upon the subject were so indifferent, that you cannot tell, now, whether you approved or disapproved of those steps at that time?

A. I have not the most distant recollection of any conversation I had with Mr. Markland.

Q. That is not an answer to my question. I ask you whether you mean to state, that, at this time, you don't remember whether you entertained feelings of approbation or disapprobation of those steps?

A. I thought it was a dreadful occurrence; but I hoped that there were grounds for it.

Mr. Justice Holroyd.—You are speaking of what you thought?

A. It was in answer to the question.

Q. I am speaking of what you thought then. As I understand you, you cannot recollect to your recollection, the impression under which you laboured at the time you travelled home with Mr. Markland?

A. I thought it a dreadful occurrence; but I hoped there were grounds for it.

Q. Did you mention that to Mr. Markland?

A. I cannot recollect.

Q. It is very important that I should endeavour to extract from you, Mr. Stanley, without meaning the slightest disrespect to you, every fact within your knowledge on the subject; you say that after the meeting had been dispersed, the first Cavalry which appeared on the ground was the Cheshire Yeomanry?

A. Not after the meeting had dispersed, but whilst in progress to dispersion.

Q. Do you mean to state now, to the best of your recollection, that the Cheshire Yeomanry were the first Cavalry advancing on the ground after that?

A. It depends on what you call the ground; the Cheshire Yeomanry were the first, after the Manchester Cavalry, that advanced at the left.

Q. Tell me, according to the best of your recollection, which of these troops first came upon the ground?

A. The Cheshire Yeomanry; but you will observe, that, at this

time, the disposition of the hustings occupied a good deal of my attention, and I did not expect the others.

Q. The Cheshire Yeomanry came over broken and uneven ground?

A. I cannot tell.

Q. I observe that you used the word "apparently" twice, in answer to two questions which were put to you, which were a repetition of the same question—whether the two lines of constables surrounded the hustings or not; I think you said they "apparently" did?

A. Apparently they did.

Mr. Justice Holroyd.—Surround the hustings?

A. Apparently.

Q. Do you mean to state then, that, in your judgment, the avenue which was formed by the two lines of constables, extended from the house to the hustings?

A. At that time the impression upon my mind was, and it now is, that it certainly did.

Q. But, of course, you won't swear that it did?

A. I cannot swear; I can only speak to the impression upon my mind.

Q. In the same way that you swear to the existence of brick-bats and stones?

A. To the non-existence.

Q. I think you say you saw Hunt come upon the ground?

A. I saw the barouche.

Q. You saw the ladies and gentlemen both: did you see any female?

A. I saw a female.

Q. What was her use?

A. I have no conception of that?

Mr. Justice Holroyd.—Of what?

Mr. Serjeant Hullock.—I asked whether she was for use or for shew.

Q. You did not know any of the parties inside?

A. I had not the most distant knowledge of them.

Q. You had heard of Carlile?

A. I heard of him in London.

Q. You have heard, since, he was at Manchester that day?

A. I have heard it to-day, in the course of another examination : I never heard it before.

Q. Hunt, when he saw the cavalry coming, I think, intimated his knowledge—his cognizance of the fact, by desiring them to give three cheers?

A. I could not hear.

Q. There was some cheering given?

A. There was a very loud cheer.

Q. From the hustings?

A. From all the mob.

Q. You say when he was addressing the mob, you did not hear his words; "but I think, whatever his words were, they excited a shout from those immediately about him, which was re-echoed with fearful animation by the rest of the multitude?"

A. Certainly; that is the impression on my mind; those were my own words.

Q. It was tremendous—the shout?

A. It was not so tremendous as the shout with which Hunt was received upon the ground; the first was the loudest shout.

Q. And the most appalling?

A. The first, when Hunt was received on the ground: I never heard so loud a shout.

Q. "Terrific" was your word?

A. I should say terrific.

Q. You say that the people who were immediately contiguous to the hustings heard what Hunt said?

A. I cannot say.

Q. You inferred that from their shouting?

A. Certainly.

Q. Then that shout was re-echoed by the mob at a distance?

A. I conceived so.

Q. What proportion, do you think, of the mass of the people,

with their eyes up, and mouths open, looking at that man during the time, could hear one word he said?

A. I should think nobody beyond ten yards from the hustings, in the bustle of such a day—that is guess.

Q. I dare say it is a good guess too: how do you think they would carry the resolutions at the outside, at the right flank, the left flank, and beyond the ten yards, upon the propositions made by this orator?

A. I have no opinion to give about that.

Q. It certainly is a difficult point. It appeared to you that Hunt, as far as his voice could reach, had a pretty absolute controul over his friends; they shouted as he spoke; it appeared that he was commander-in-chief?

A. The thing never occurred to me; I cannot speak positively.

Q. Have not you an opinion, that he was the head and leader of the party?

A. My opinion certainly is, that he was.

Q. And now I will ask you this question, as a clergyman, and as a man of character, which I believe you to be—I ask you, upon your oath, whether, in your judgment, the public tranquillity and the peace of Manchester were not endangered by a mob of that description, composed in that manner, by having such a man as Hunt at its head—Hunt and Carlile, for instance.

A. Hunt and Carlile are dangerous people, and any mob under their controul must be dangerous.

Re-examined by Mr. Blackburne.

Q. Do you know, Mr. Stanley, whether this meeting was under the command of either Hunt or Carlile?

A. No.

Q. When you say there was a shout given on the Manchester Yeomanry coming into the field, was there any other shout, besides that given by the multitude?

A. There was.

Q. Whose shout was that?

A. The Manchester Yeomanry, the special constables, and the people round the pavement in front of our house.

Q. May I ask you, whether you were terrified by those shouts?

A. Personally, certainly not.

Mr. Justice Holroyd.—Explain what you mean by that?

A. I myself was not alarmed about them.

Q. And whether it did not create terror and alarm?

A. Not to me individually; certainly not.

Q. You have said that you presented a description of what you saw at the meeting, to some of your friends?

A. I did.

Q. How soon was that written after the meeting?

A. I can scarcely say; I should think perhaps two months, but I cannot speak accurately. It was when the impression was clear on my mind.

Q. Clear and fresh in your recollection. Will you have the goodness to tell me whether you heard or saw any person read the Riot Act?

A. I neither heard it read or saw it read.

Mr. Serjeant Hullock.—If it was read you did not hear it?

A. I did not hear it.

Q. If it should turn out to have been read, and read loudly, there might have been something else done—but that is conclusion—that is reason.

Mr. Evans.—Your Lordship has on your note that M'Kennell said that he did hear the Riot Act read?

Mr. Serjeant Cross.—He said so.

Mr. Justice Holroyd.—Yes; I have.

Mr. Blackburne.—Then that is my case, my Lord.

THE DEFENCE.

MR. SERJEANT HULLOCK—May it please your Lordship: Gentlemen of the Jury; I have the honor to appear before you in this case on the part of these Defendants, and, Gentlemen, I have to request your patient and indulgent attention, whilst I submit to you their case, because I am quite satisfied that, under the impressions which perhaps in and out of this court the nature of this inquiry has already been calculated to excite in your minds, I shall have occasion for all your attention, as well as for all your indulgence.—Gentlemen, I am free to confess that I lament, and I speak it unfeignedly, that the duty of stating this case to you, on the part of these Defendants, has devolved, and, for them, unfortunately devolved, upon me. I certainly lament exceedingly that the talents and abilities of my learned friend who is now absent, and to whom this cause was originally confided, have not been brought into this discussion; but, Gentlemen, I certainly should be guilty of gross affectation, if I were to make this observation because, in my humble judgment, the case possesses much difficulty when the facts of it come to be fairly developed, and rightly understood; but I regret the want of the assistance of my learned friend, because the intimate knowledge which he possesses of all the facts belonging to, and connected with the transactions in question, would have enabled his superior talents to have done ampler and more

complete justice than I possess the power of doing, to the character and reputation of these defendants, which have been, during two long years, subjected to every species of obloquy and reproach; and also to have dispelled, with effect, the unwarrantable calumnies which factious malignity has been, during the same period, almost unceasingly employed in venting against the integrity and conduct of the magistracy of the counties of Lancaster and Chester.

Gentlemen, the first observation which seems to arise in this case, is, that we are now, in the month of April, 1822, trying, in a civil action against these gentlemen, a right to a compensation in damages, for an alleged injury to a man in a low and inferior station in life. Gentlemen, don't let me be misunderstood: the poor man, as my learned Friend well observed, has the same title to the attention of a jury as the rich; and he has always received, and always will receive, the same attention and the same measure of justice in a court, as the rich, when he has any legitimate grounds of complaint. I make, however, no complaint of the length of time which has been suffered to elapse before the commencement of this proceeding. At length the day has arrived, and my Clients have good grounds to congratulate themselves, that, at length, a legitimate opportunity has been afforded to them to repel, with that scorn and contempt which they do, through me, the imputations which malignity and falsehood have endeavoured to fix on their name and reputation. But my learned Friend himself, at the outset of his address to you, felt there was something so singular and peculiar in this case, which, after two years have been suffered to elapse, calls upon you, through the medium of a civil action, to render a compensation in damages to a journeyman weaver, as my Friend at first represented the plaintiff, (for I believe he knew nothing about him,) but afterwards correcting himself, to a journeyman *hatter*, that he was induced to

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attempt something like an apology for the time that has been permitted to pass before the commencement of the action. Can you believe that the plaintiff, whose name has hardly ever occurred in the progress of the cause, except in the single insulated testimony of Edmund Prestwich, is the person who really employs my learned Friend on this occasion; who has brought, because he cannot find a solicitor within this opulent county, an attorney from Took's Court, Curator-street, London, in order to obtain redress for his wrongs? Do you believe that this poor man, whose poverty was the cause of his abstaining from bringing this action when the events upon which it is founded were recent, and our recollection fresh upon the subject, has, this day, emerged from his cellar at Middleton, and been enabled, by some great influx of wealth, to produce before you this bead-roll of witnesses, these reporters from London, from Liverpool, from Leeds, and the long line of witnesses who have been produced before you from Manchester, Oldham, and from various other places in different parts of the kingdom? Do you think that the plaintiff is any more than a mere puppet upon the present occasion, moved by some persons who are behind the curtain, behind the scene; whose purse-strings, though late, have been at length untied, in order, not (as I believe,) to redress his wrongs, but to obtain an opportunity of again reviving a subject, which, happily for the tranquillity of the country, had nearly expired: of reviving in public discussion, in this place, and probably afterwards in some other place, the events of that memorable and unfortunate day. My learned Friend tells you, as a reason for this delay, that it was the poverty of his client. If that was the reason, the reason is still in full force and vigour; for you may rely upon it that he pays no more now, and, at this moment, has no more ability to pay any thing towards the

costs of this action, than the poorest individual who is now in the workhouse of this town. My learned friend has stated that we all know the proceedings at Oldham; that that attempt proved abortive; and that, therefore, I suppose, they were obliged to have recourse to the present proceeding. What is meant by an allusion to that proceeding, I do not understand. If my learned Friend means to refer to the proceeding at Oldham, which agitated and disgraced the County of Lancaster for so many weeks, if he means to refer to that, I say it has no bearing upon the present occasion; because if those who now stand up so much, and feel so tremblingly alive for the liberties of the subject, and for their safety—if they had been actuated by feelings of that nature, at the time when that proceeding was put an end to by the arm of the law, by the interposition of the court above, they might have adopted other proceedings, as well calculated as the present, to have secured an investigation into the transactions which are the subject of the present inquiry. But, Gentlemen, an allusion to the affair at Oldham can have no operation here, further than to shew you, which I submit to you with great confidence is quite apparent and plain, that this man has nothing on earth to do with this proceeding. Gentlemen, who is Redford? I think it dropped by accident from one man, that he was a journeyman hatter at Middleton; but I declare his Lordship will seek his notes from one end to the other, over and over again, before he knows any thing more of him. But Redford is a poor man. My learned Friend opened it with a gravity truly wonderful and truly miraculous. Says he, this man received a sabre cut upon the field at Manchester, which laid him off work for I don't know how many months, and from the effects of which, at this moment, he is still unrecovered. Where is the evidence of that? Where is there a particle of proof that this man was wounded, or

even struck, at all, except by the witness Prestwich, of whom, more bye and bye. Were this man's wounds ever dressed by a medical man? An attempt was made, through the medium of a scrambling re-examination of a chymist and druggist at New Cross, to prove that Redford's wounds had been once dressed; but the attempt altogether failed. Says my learned Friend to the witness, "did you dress Redford that day when others were dressed?" I saw him, rejoined the witness, next morning, and I have not seen him from that time to the present. Here is a man who is laid off work for several months, and is still a cripple, of whom, and concerning whom you know nothing, nor have heard one single observation. Gentlemen, there seems to be no lack of individuals who have feelings upon this subject, who are sufficiently alive to the whole transaction, from whom they might have found out where the medical man lives. The chymist and druggist, they thought, might have done the job. There was a female who dressed, I don't know many hundred: they have found her out, and yet they don't ask her the question. Is there no man who supplied the balm, and poured the wine and oil into this unhappy man's wounds? Is there no man to shew he is still unable to work; that he walks with a crutch; that he is lame, or that something befel him on the 16th. August, which still operates on him? In all cases that ever yet occurred to me, of proceedings of this description, where a man complained of an alleged personal injury, the consequence of which was ruinous to him in his work and his labour, the uniform course of proceeding has been, (and you will ask yourselves why that course of proceeding has been departed from, on the present occasion,) for the man, either through the medium of his friend or attorney, to apply to the party, and demand satisfaction for the injury which he has sustained. Is there any thing so natural as that course?

Would not this gentleman have said to Captain Birley, or to any of the other individuals from whose hand he knew he had sustained this injury, would he not have gone and said, "Gentlemen" or "Sir, I must bring my action against you, if you do not render me a compensation in damages, for the wound which you illegally, cruelly, atrociously, and barbarously inflicted on me, whilst I was attending and deliberating peaceably at the meeting at Manchester. I have been laid off work for two long months; I am still unable to walk; I therefore expect a large and substantial compensation." No application of this sort has been made. The action was brought, my learned Friend says, in October last; be it so; three months after the expiration of the two years, and no intimation, nor any notice had been given to any human being on the subject till the writ was served upon the parties. My learned Friend, in opening this case, thought, and I agree with him in so thinking, it was necessary to introduce this topic to your notice; because I am quite satisfied, knowing to whom I have the honour of addressing myself, that the topic could not have escaped your attention.

It is said that at the time this transaction took place, great distress prevailed in the country, that misery pervaded the land; and, with becoming gravity, my learned Friend added, that men object to starvation, and that they object also to the ruin of their families. If, in the first place, that was the state of this country in the summer of 1819, then I say, that so much the stronger and the graver imputation rests on those demagogues, who came for the purpose of inculcating, amongst the people, the doctrines to which I shall, bye and bye, have occasion more particularly to call your attention. But, gentlemen, are we to be told that the men who went to the meeting on the 16th. of August, 1819, were acting under the impressions, or goaded by motives of distress, or misery?

The very second man who was called into the box, told you that, at that time, he was earning 20s. a week—a journeyman cotton spinner. The next man, a journeyman hatter, who seemed to be offended because he was asked whether he was now obliged to work or not, was also, at that time, receiving, in wages, 17s. or 18s. a week. Are men in that situation, capable of earning such wages all the year round, (as my Friend rightly reminds me,) are men, possessed of such means, and whose excesses placed the town of Manchester in imminent danger, to be defended by a tale of distress or want—by telling us, forsooth, that they were ruined and miserable, and unable to maintain themselves and families without insurrection and tumult. But I do beseech you, Gentlemen, ask yourselves whether the distressed of this or that part, or any portion of the community are likely to be removed and abated by proceedings, similar to those which were adopted upon this day. Do you think that men, by leaving their homes and their work early in the morning, and wasting the day at Manchester, (although it should be passed in consultation and deliberation upon the most effectual mode of choosing a legislative attorney in the Commons House of Parliament for the unrepresented portion of the labouring population of Manchester) would amend their situation or improve their means of subsistence? Do you think that men who consumed their nights and mornings in drillings, trainings, and military exercises, and military movements, and their days in tumult and riot;—do you think, I say, that men by such speculations and such avocations are likely to become rich, or likely to remain good subjects? I think not.

Then my learned Friend goes on to state to us, that, at any rate, the meeting at Manchester was, at that time, a legal meeting. That may or may not be so, according to circumstances. If my learned Friend means, that at that

period of time, individuals might legally meet to discuss their grievances, either real or imaginary, I agree with him; but if my learned Friend means to say, that under any circumstances, and at all times, and in any manner, a congregation of 500,000 individuals, or take it at the least estimate by the Gentleman who refreshed his memory by means of a letter, of 50,000, might legally assemble themselves together; I distinctly and unequivocally deny the proposition. I say a meeting of such a size, and assembled under such circumstances, as cannot fail to excite in the minds of reasonable and thinking men, who have property, and wish to retain that property and transmit it to their posterity, a reasonable apprehension for the safety of that property—I say, A meeting assembled under such circumstances as cannot fail to put the public peace in danger, and inspire and excite in the minds of the peaceable portion of the people, a just and reasonable ground of terror and alarm, and of apprehension for their personal safety, neither then nor at any period of the history of this country, was a legal meeting. I aver distinctly and unequivocally, and I fear no contradiction from any lawyer, on the subject, that a meeting so constituted, so formed, and so assembled, and collected in such way as to excite those feelings and apprehensions, was illegal at every period of the history of this country. And one part of your inquiry, Gentlemen, will be, whether you, as reasonable men, exercising your own understanding and intelligence upon the subject, whether you yourselves can think that a meeting of this size, congregated under such circumstances, brought together under the ensigns and emblems of war, of insurrection, and revolution, headed and commanded, as I think I may truly say, from the evidence of the witness last called before you—I mean Mr. Stanley—headed and commanded by Henry Hunt, Esquire, now an inmate of Newchester Gaol, and that still more eminent character,

Richard Carlile, Esquire, an inhabitant of Dorchester Castle—commanded by such men as these, I would ask you to ask yourselves, and let the verdict be the answer, whether, in your honest judgments or consciences, you think such a meeting was calculated to endanger the lives and property and tranquillity of the inhabitants of Manchester. Do you, or do you not believe that the public peace and tranquillity were put in jeopardy by this meeting—aye or no? Do you possess such nerves, are you in possession of such courage, as to look without dismay, and without blenching, upon the beginning and termination of a meeting congregated, and constituted, and headed like that which forms the subject of this inquiry? Any meeting of a great number of people, assembled under such circumstances of terror as cannot but endanger the public peace, and (in the words of the best text-writer upon the subject,) raise fears and jealousies among the King's subjects, is an unlawful assembly; for, in the emphatic language of the law, "no one can foresee what may be the event of such an assembly." Now it is, I apprehend, already sufficiently clear from the evidence adduced on the part of the plaintiff, that the meeting in question was distinguished by, and contained in it, every ingredient which was deemed requisite, at any period of our history, to constitute, according to the definition I have given to you, an illegal assembly. For what man living could foresee or venture to predict what might be the event of such an assembly. I do not stay to enlarge further upon the law upon this subject, because I am quite satisfied that his Lordship will not only confirm what I have ventured to state upon the matter, but will enter more fully into the question of law, than I have felt it necessary to do. I shall only observe, that upon a trial on this very subject before the learned Judge who has recently left this place, that very learned person stated, that a meeting of this

sort, assembled in such a manner, and under such circumstances, as to excite feelings of the kind to which I have alluded, is an illegal meeting. If that be so, are these assemblies to be tolerated? Is there no law, no legal principle, by virtue of which such a meeting can be put an end to? The law of this country is styled "the perfection of reason;" but the perfection of reason would be reduced to a sorry pass, if it had provided no legal means of putting an end to an illegal meeting of 80,000 or 90,000 men, assembled under the circumstances and in the manner in which the meeting of the 16th. August was got together. I ask you, Gentlemen of the Jury, whether you think that the laws of this country would be worth living under, if Henry Hunt Esquire could, with impunity, come into this or any other county, with which he has no earthly connection, except that of his affection for every body who concurs with him in his sentiments of moderate, and reasonable, and practicable reform; and be permitted, at his mere will and pleasure, to bring together a meeting of this sort, and to inculcate upon his audience, doctrines, not only inimical to, but altogether subversive of, the British Constitution. I think that no good man, nor any man who valued either the peace or tranquillity of the country, would wish to see such a state of things as that. But, Gentlemen, the Law of England is liable to no such imputation of imbecility and folly; for I lay it down with confidence, as the law of the land, that Magistrates; that Constables, and even private individuals, may interfere for the purpose of suppressing a riotous assembly, where there is a necessity for so doing. And if that be so, it must be clear that private persons may arm themselves, in order to suppress a riot; and hence it follows, with equal clearness, that they may make use of arms for the suppressing of it, if there be a necessity for so doing. It has been said by a late very learned Judge of the

Court of Common Pleas, that, in the riots which took place in the year 1780, this matter was much misunderstood; and a general persuasion prevailed, that no indifferent person could interpose without the authority of a Magistrate: in consequence, he added, much mischief was done which might have been prevented*. But then we have been told that it could never be legal, under any circumstances, to introduce the soldiery—particularly the Manchester Yeomanry, who, it is said, were armed with sabres! And you may remember that a miserable and fruitless attempt was made to shew that these formidable weapons were, with a mind of malice aforethought, sharpened for some direful purpose a few days before the meeting. But in the language of the learned Judge to whom I have already alluded, this matter seems to be much misunderstood. For, in a celebrated case, in which this question was much discussed, (and which, for any thing I know, may still dwell in the recollection of some person or another, connected with the present proceeding,) Lord Chief Justice Mansfield said† he would “correct a strange mistaken notion which had got abroad, that because men were soldiers they ceased to be citizens. A soldier is gifted (says he) with all the rights of other citizens, and is bound to all the duties of other citizens, and he is as much bound to prevent a breach of the peace or a felony as any other citizen. In 1780, this mistake extended to an alarming degree; soldiers with arms in their hands stood by and saw felonies committed, houses burnt, and pulled down before their eyes, by persons whom they might lawfully have put to death, if they could not otherwise prevent them, without interfering: some, because they had no commanding officer to give them the command, and some,

* See Mr. J. Heath's judgment in *Hancock v. Bankes*. 9 Res. and Fall. 264.

† See *Burdett v. Abbott*. 4 Taunton. 449—50.

Because there was no justice of the peace with them. It is the more extraordinary, because, formerly, the *posse comitatus*, which was the strength to prevent felonies, must, in a great proportion, have consisted of military tenants, who held their lands by the tenure of military service. If it is necessary, for the purpose of preventing mischief, or for the execution of the law, it is not only the right of soldiers, but is their duty to exert themselves in assisting the execution of a legal process, or to prevent any crime or mischief being committed."

We next proceed to inquire into the necessity which there was for dispersing the meeting. The Magistrates were upon the spot and acting, as well upon the evidence of their own senses, as upon the information, upon oath, of a great number of the principal, most opulent, and most respectable inhabitants of the town and neighbourhood of Manchester. Did the Magistrates, or did they not then exercise a sound judgment under the circumstances, appalling and unprecedented as they were, in which they were placed? We will see, bye and bye, upon what grounds they were called to form a judgment, and come to a decision, which, in my honest judgment, I conscientiously believe was the salvation of Manchester. It is my firm conviction, if the meeting had not been put an end to on the afternoon of the 16th., that the town of Manchester would not have survived the night. Gentlemen, let us consider, in the first place, how the meeting was congregated, in order to form a proper estimate of the materials of which it was composed, and the degree of apprehension which it was calculated to inspire. It is already in evidence, and sufficiently in evidence for my purpose, that the meeting had been in preparation for several weeks; that the whole of the population of that most populous district within ten or twelve miles round Manchester, and to a larger extent of circumference, had been preparing for this great day long before: and, Gentlemen,

it is something marvellous that my learned Friend, who stated to you that he should shew the object of this meeting, and that a requisition had been signed by 700 inhabitants of Manchester to call a legal meeting for the purpose of deliberating and deciding upon parliamentary reform, has not produced a particle of proof in support of his assertion. My learned Friend says, they met, as they had a right to do, to deliberate; and then, bye and bye, his better understanding (for my learned Friend possesses an excellent understanding, when he is not acting under the trammels and difficulties of such a case,) suggests to him that the talking about deliberation at this meeting, was talking absolute nonsense. You are told by the last witness, that the deliberation extended to the shouts of ten or twelve deep round the hustings, and the other parts of the assembly had no other means of coming to a conclusion on the great and weighty matters in discussion, than that of answering the shouts and yells which proceeded from the persons immediately contiguous to the orator. This seems to have been a singular, and I venture to say, a novel mode of deliberation. If you hear and accede to my proposition, you set up a shout, and another set of persons at the lower part of the street answer the acclamation, and thereby express their assent to the measure proposed; and thus, after due deliberation, the business is concluded. That is not all. If deliberation had been their object, could they not have deliberated as Mr. Earnshaw did? Could they not have settled their petition in a private room, and then sent it to the House of Commons, where it would have been read, and laid on the table, and probably never heard of again? Could they not have done that? No; they could not pursue that course, because they were to assemble at Manchester for the purpose of shewing, by their physical strength, that if they did not accomplish their object in one way, they would and could by another.

But my learned Friend said he would shew that the specific object of this meeting was legal. Has he done so? Two individuals, two cotton spinners, who employ themselves in the care of our concerns, (because, Gentlemen, if the inestimable blessings of Universal Suffrage and Annual Parliaments are obtained we shall all have the benefit of them,) are alone, out of 700 requisitionists and householders of Manchester, called. These two persons inform you they signed some paper, but what it was they know not. This paper is withheld from your view. If it had been produced, we should have been in some degree enabled to have appreciated the weight and value of the 700 by the number of names and crosses affixed to this notable document. Now, has any one gentleman ventured to disclose to you the object of this meeting. The two first witnesses seem to have possessed some notion about parliamentary reform, and they seem to think that they met for discussing that point. But, Gentlemen, I will now call your attention to what I consider to be the object of this meeting, and I shall prove it by documents, and not merely by assertions. Mr. Hunt, as it has been stated to you before by a witness of the name of Tyas, attended a public meeting in Smithfield in the month of June or July 1819. Mr. Hunt was, as he always is, the chairman, the man that proposed the resolutions, which appear to me to be distinctly and clearly of a treasonable character and description. And here, I would ask, what motives had this man, this itinerant demagogue; what earthly purpose had he in view at the time he went to Manchester, but that of forwarding and promoting the object which he had before developed and declared on the hustings at Smithfield? If that be so, the meeting at Manchester becomes at once a meeting, not only illegal, but, I will venture to aver, as nearly of a treasonable character as any meeting of this

description ever was or ever can be. You see, Gentlemen, in July, Hunt, whose time was completely occupied in going from one end of the island to the other, seeking opportunities of making speeches for inculcating doctrines which would, if they were practised, put an end to the Constitution and Laws of this country in six months, (for the insane projects of annual parliaments and universal suffrage could never, for one instant, exist consistently with the existence of our government,) in July, I say, Hunt was at the Smithfield meeting. I shall shew you, Gentlemen, that these resolutions came from the hands of Hunt himself; I shall produce a witness before you to-day, or to-morrow, or the next day, or some day shortly, who received this document from the individual hands of Mr. Hunt. I beg leave to read to you one or two of these resolutions. "Resolved, in the first place, that every person born in Great Britain and Ireland is, by inherent right, free." That is sensible; that is well done; that is good; I don't object to that; I go along with the orator as far as that. "Secondly,—That for the protection of the life, the liberty, and the property of every member in a free state, it is expedient and essential that a code of laws should be established, and an executive administration thereof provided." He thinks we have no such thing as a code of laws; and his next object to the providing a code is an executive administration to take care of it; no doubt at the head of which would be Richard Carlile Esquire, and Henry Hunt Esquire; the one remarkable for his religion and morality, and the other for his political and statesman like views. "Thirdly,—That as life, liberty, and property are equally dear to every man," (I suppose he means who possesses them,) "whatever may be his rank, condition, or attainment, it follows, of necessity, that every man in a free state is equally entitled to a voice in the enactments of such laws, and their provisional administration."

“Fourthly,—That to support the just expenses attendant upon a due administration of the law, fair proportioned contributions from every member of the community ought to be equally levied.” I don’t know exactly what that means, unless it means this; that all these 60,000 men, women, and children, who met on the 16th. August, 1819, to deliberate on St. Peter’s case, are to have a right to join in giving a voice with respect to the modes of taxation. “Fifthly,—That the rights of all being equal, no freeman in Great Britain or Ireland ought to be taxed without his previous admission to a participation of universal right.” “Sixthly,—That this universal right may be exercised in the choice of representatives to be fairly and freely nominated or chosen by the voices or votes of the largest proportion of the whole members of the state.” “Seventhly,—That the persons who at present compose the British House of Commons have not been fairly and freely nominated or chosen by the voices or votes of the largest proportion of the members of the State.” “Eighthly,—Therefore that any laws which may hereafter be enacted, or any taxes which may be imposed by the present British House of Commons, ought not, in equity,” (in equity!) “to be considered obligatory upon those who are unjustly excluded from giving their voices or votes in the choice of representatives.” Here you come to it at once; that if a man has £10,000 a year in the funds, and no landed property, which unfortunately, by law, precludes him from giving a vote for a member of Parliament for a County, he is, by this resolution, (which, by the way, would be a good thing for him,) to be exempted from the liability to pay taxes; for it is not, this second Solon says, equitable that the laws should be considered obligatory upon a man so circumstanced: and then comes the resolution which I am about to state, and which, I venture to aver, and do it decidedly and unequivocally, is as nearly treasonable as may

be, if it be not altogether so; and that a meeting adopting this resolution is, I say, if not a treasonable meeting, a highly seditious one, and has the most direct and most palpable tendency to disorder, insurrection, and revolution. He says, "that from and after the 1st. day of January, 1830, we cannot, conscientiously" (forsooth!) "consider ourselves bound, in equity, by any future enactments which may be made by any persons, styling themselves our representatives, other than those who shall be fully, freely, and fairly chosen by the voices or votes of the largest proportion of the members of the State." What is that? It is a resolution of conditional allegiance to the laws and constitution of the country. They say they cannot, conscientiously—Hunt and Carlile cannot, conscientiously!—They say we cannot, conscientiously, yield obedience to the laws of the country after a certain day, unless such and such things take place. Then they go on, "that, with a view to accelerate the choice of legal and just representatives of the whole people, we will cause books to be forthwith opened, in the different parishes of this metropolis, for the enrolment of the names and residences of every man of mature age and sound mind, resident therein, so as to enable him to give his vote when legally required so to do." I shall read no more of these resolutions, but I submit to you that a meeting, held for the purpose of carrying such resolutions as these into effect, was clearly, and palpably, and indubitably illegal. How do I shew that the meeting at Manchester was for a purpose of that sort? I will produce the placard itself, which was, in the first place, issued for a meeting at Manchester on the 9th. August, and you will then see how far my assertion is right, with respect to the object of this meeting. On the 23d., I think, of July, this placard appeared, printed in large and capital letters, on every wall and house within the limits of Manchester. It was also inserted in the newspapers

of the greatest circulation in the place, I mean, amongst people of certain feelings and dispositions and political sentiments; and it was posted, as I said before, on the walls; and this is the document. "Manchester public Meeting. The public are respectfully informed that a meeting will be held on Monday the 9th. of August, 1819, on the area near St. Peter's Church, to take into consideration the most speedy and effectual mode of obtaining radical reform in the Commons House of Parliament, being fully convinced that nothing less can remove the intolerable evils under which the people of this country have so long, and do still groan; and also to consider the propriety of the 'unrepresented inhabitants of Manchester' " (all those, of course, who had no legitimate vote, either by freehold or otherwise, in the election of Knights of this Shire) "and also to consider the propriety of the 'unrepresented inhabitants of Manchester' electing a person to represent them in Parliament," (to represent the meeting that was held on the area of St. Peter's field,) "and the, adopting Major Cartwright's Bill. H. Hunt Esq. in the chair. Sir Charles Wolseley," (who had just before been lucky enough to obtain a seat for Birmingham; he had been elected legislative attorney for Birmingham, and that seat procured him another seat in some gaol—Abingdon gaol, I believe; at least he got a seat thereabouts; a seat, as it should seem, in a very close borough, within the limits of Abingdon, "Charles Pearson," (who, by the bye, is an attorney in London, at least was so,) "Mr. Wooller," (every body knows Mr. Wooller,) "and Godfrey Higgins Esq. will attend". This is signed "Wm. Ogden, James Bradshaw," &c. "Chair to be taken at twelve o'clock. The Magistrates" (here is an invitation—they are very impartial,) "are requested to attend". That is very civil. "On the same day, after the meeting, there will be a public dinner" there would be no great difficulty in getting a

collection of these spinning men, "at the Union School room at five o'clock. It is particularly requested that early application be made for tickets, as none can be disposed of after Friday, August 6th.—Tickets 10s. 6d. each". Now, Gentlemen, I ask you whether a meeting of that description,—a meeting for the purpose of doing what? not of deliberating, not of considering of grievances, but of taking into their consideration a proceeding, of deciding upon an act which was distinctly and unequivocally in direct contravention of the laws of the land, is to be tolerated? What! is this motley meeting, composed of journeymen hatters, weavers, and cotton spinners, to be allowed, in direct contravention and violation of the laws of the land, to elect and return, by way, I suppose, of insult to the House of Commons, a cotton-spinner, elected by themselves, (for, of course, no other man would be fit or duly qualified to represent such a body as that,) to represent, in the Commons House of Parliament, the unrepresented body of men of that description and station in life in the town of Manchester? If that be so, I ask you, now, whether you can entertain a particle of doubt with respect to the nature and the objects of the meeting. Where is the object that has been pointed out to you different from that to which I have adverted?—for it is in evidence that Hunt, from the hustings, on the 16th., told the people that although their enemies had obtained a triumph, as they thought, but which he deemed a defeat, in postponing the meeting of the 9th., he had the pleasure that day of speaking to and congratulating twice the number of friends he should have had an opportunity of seeing on the day before, the 9th.; thereby clearly shewing that he considered the meeting of the 16th. merely as an adjournment of, and collected for the same object as, that of the 9th. And, accordingly, he tells the meeting on the 16th., that he was then attended by

two-fold the numbers; numbers double to those which he had expected to meet on the 9th. of August. Why then, Gentlemen, if that be so, can there be any thing more wanting to shew that the meeting in question was an illegal one? My learned Friend knew it was necessary to satisfy your minds of its legality; that it had some decided, specific, and legitimate object in view, and expressed himself to that effect in his opening address to you; but a single witness has not yet been called before you to shew that, with the exception of one single, solitary man, who, I think, stated his object was reform; or, by way of getting to the contents of the requisition, that the requisition contained the sole object of his attendance at that place.

Gentlemen, let us now advert to the manner in which the men were brought to this meeting. My learned Friend says, they came in "beautiful order:" the order would have been considerably more beautiful if they had been clothed in regimentals, because that dress would have had a better effect than brown fustian jackets. They had been drilled, they had been trained—as appears from the evidence already given in the cause. For what purpose was that? Is a man less able to deliberate, because he has not been drilled? Is a man less able to deliberate and decide upon measures, either of private interest or public import, because he has not been drilled during the night, and for several days in the week, before he is called on to exercise the privilege of deliberation? Ridiculous. I shall shew you, by witnesses who attended these drillings, that they were conducted in as regular and formal a manner, and, in every respect, the same manner as raw recruits are drilled and trained for the regular regiments in his Majesty's service. Why were they drilled? Why—to enable them to march in order, to enable them to march with regularity to the meeting at Manchester. Gentlemen, he who uses that

argument, and addresses it to your understandings, must have a much meaner opinion of you than I certainly entertain. I should despise myself, and think I was insulting you, if I was to dwell a single moment on such a frivolous observation. What! are men to consume their nights, after the labours of long days, in drillings, in moving to the sound of the bugle, in following the drum and fife, in marchings, in counter-marchings, in wheelings, for the mere purpose of acquiring a regularity of step in a procession? I shall shew to you that, at the word "fire," whilst under the operation of drilling, the men clapped their hands at once and together, as is practised, at the same word, by regular recruits. Is it possible for a man of common understanding for one moment to impose, either upon himself, or affect or attempt to impose on others, by such a puerile argument as that to which I have just adverted? But I shall shew you, moreover, another manœuvre which these men practised at their drillings, which must have been done for the purpose, no doubt, of enabling them to deliberate with greater effect. I shall prove that, when a particular word was given, whole columns fell flat on their faces on the ground; and, at another word, the men rose up. Now, I would ask for what purpose this species of proceeding was adopted; and I leave you to ask yourselves for what earthly purpose could these repeated trainings and drillings be intended, but for the purpose of enabling these men to encounter, with regularity and effect, the proceedings of that day, the approach of which I have no doubt in my conscience they contemplated, when they should have to encounter and mix with regular troops in mortal conflict. Again; when were these drillings carried on? Generally during the night, beginning sometimes at dusk, and sometimes at three or four in the morning. I will shew to you that they themselves were so conscious of their own imprudent and illegal conduct, that

they actually almost murdered several individuals who were induced by that all-powerful motive which seems to operate so much on the inhabitants of Manchester, curiosity, to be spectators during the time these operations were going on. I will shew you drillings at a place called White Moss, at a place called Tandle hills, Cockey Moor, and at other places, the names of which do not immediately occur to my recollection. And I shall shew, moreover, in addition to that, that this Redford, this plaintiff, of whom my learned Friend knows absolutely nothing, was the man who sometimes commanded at some of these places, and at others that he was in the ranks and drilled like the others. And I will, moreover, shew, which is more important for my case, that he was with the division that marched from Middleton on the morning of that memorable day; that he was the man who was selected on that occasion for carrying the flag, which, I think you heard from one witness, he had in his hand at the time he received his sabre wound, of which, by the way, so much has been said, and so little proved. It was stated, in the opening of my learned Friend, that he lived in Middleton, that he went from Middleton to Manchester, and carried a flag. They have called no person to shew it, and I shall supply that defect; and my learned Friend will have the pleasure of seeing the sort of figure which his client has made in these different manœuvres, and on these different occasions. Early in the morning of the 15th., you have heard that a person of the name of Murray, who has been introduced to your notice by a witness already examined, together with two other persons, went to a place called White Moss, having heard, and no man in the county was so ignorant as not to have heard, of these nocturnal drillings. No man could leave his house without hearing the sound of the bugle after dark, and just before dark; and no man who lived in that part of the country, was or could

be ignorant, by the sound of warlike instruments, night after night, and morning after morning, that a certain portion of the population of the district were occupying themselves in these proceedings. Murray, together with a person of the name of Shawcross, went for the purpose of seeing what was going on; of seeing, with their own eyes, the numbers, and of ascertaining the motives with which these drillings were practised. They reached the ground at two in the morning; they heard, before they got there, repeated shouts and sounds of the bugle. When they got within a field, they saw several squads, which were training in the same manner as is practised by recruits attached to regular regiments. There was a drill serjeant attached to each squad. The squad, in some instances, contained twenty men, in others forty: and they marched backwards and forwards upon the regular words, "march" and "halt"; and in short, they did every thing which belongs to, and is practised, on such occasions, in the regular army. Whilst Murray and Shawcross were looking at what was going on, and, as they considered, concealed from view, they were discovered by one of the squads, and were immediately pursued. Murray was foolish enough to go back, when required to do so. They told him he was a spy, and that they must prevent his acting in that manner in future. He will describe to you the way in which he was treated. They commenced their operations upon him by first beating him with their fists; some of them then struck him with sticks, others with stones. They afterwards made him sit down on his knees, and administered to him an oath, whilst in that position, whereby they made him abjure his allegiance to his King, and promise never more to go a constabling—that he was to be no longer a constable. He will state to you that he did that through absolute fear of his life, and that he escaped almost in a state of absolute destruction. He got to

Middleton, and was obliged to be conveyed from that place to Manchester, in a chaise. Shawcross was not treated so ill; but he was also mal-treated. I shall shew to you that several of the persons who were at the drillings at White Moss, were at Manchester, on the following day, and at the meeting in St. Peter's field. A large party of men, who entered Manchester on the 16th., in military regularity and military step, passed through that part of the town, in which the house of Murray was situated. Murray will tell you that he was confined to his bed, from the time of getting home, and that at a certain time of the day, he heard a tremendous shout, which induced him to direct himself to be carried to the window, where he saw a large column of men, the number and appearance of which he will describe, and Mr. Hunt amongst them. They were halted at the word "halk", with as much regularity and order as the most regular regiment that belongs to the crown could be brought up, immediately opposite to his house. He will state to you the circumstances which, at that time, occurred, which left no doubt in his mind, and, I am quite satisfied, will leave none in your's, that these men did that, by way of recognising the treatment which they had bestowed on him the day before at White Moss, and of adding insult to injury by setting up loud yells, hootings, and hissings, before his window. The party proceeded towards St. Peter's Field, but by a circuitous route. The next place they came in contact with or opposite to, was the Exchange. It may naturally be supposed a great number of the Gentlemen of the town were collected about that building; many were standing on the steps; and they will state to you, that when the mob got there, Hunt, with an air of insolence and defiance, stopped his cavalcade, over which he appeared to possess the same controul and management as you do over your horse or servant, and there they repeated the same

tone of defiance and insult, as they had done before at the house of Murray. They then proceeded; and the next place they came to was the Star Inn, at which the Magistrates were not, at that time assembled, having left it a short time before for Mr. Buxton's house; and here, also, Hunt, in conformity with that tone of insult and defiance which appears to have characterized him, not only at Manchester, but wherever he has yet been seen or observed, aginstopped the column, and they insulted, or, at least, intended to insult the Magistrates of the place by the same means, and in the same manner as they had already exercised towards the Constable. It will appear to you that they must have taken a circuitous course; for the road they took was not the nearest way into Manchester from a place called Smedley Cottage, the house of a brush-maker of the name of Johnson, and with whom this man, Hunt, had resided from the 9th. of August to that day; and it is hence clear that their route must have been adopted for the mere purpose of affording them an opportunity of uttering their repeated defiances and insults. At last, this division reached St. Peter's field. You have already heard that several other divisions came into the town—that they came in the same style, and the same military manner: and although one gentleman, who seemed to acknowledge that he has had some sort of drilling himself, without, I must be permitted to add, much effect, says, (it is Shuttleworth, upon whom I shall, bye and bye, have occasion to say some little more,) that these men walked, (to be sure; how could they come otherwise? they, thank heaven, had no horses,) and did not at all give him the idea that they had ever been subjected to training, I shall prove to you by military men, by men who were fully as competent judges of such matters as Mr. Shuttleworth of Manchester, that their measured, orderly, organized step, and state, and manner, and appearance, cor-

responded in every respect with that of regular troops. Of course, some divisions were better drilled than others—more perfect: they might have had more training, or better officers; for I shall shew that they were officered as regular troops, that men marched at each flank like captains, who gave the word: that, in all respects, they adopted a military step, and were under military command; they had music, the bugle, and drums and fifes. Are these accompaniments necessary or requisite to enable a meeting of this sort to deliberate? Deliberate to the sound of the bugle! Deliberate to the blast of the trumpet, and the beating of the double drum!—One man said they had not drums, only one double drum.—I say, are these instruments, whereby men are called together, or assembled for purposes of deliberation? It is a mere waste of words to talk on such a subject in such a way. But they had banners, they had banners with inscriptions upon them, and I would ask any man of common sense, any man who had an opportunity of becoming, either personally or by reading, acquainted with the events which have recently occurred in the world, to what they can ascribe the introduction of inscriptions on banners of the sort to which I am about to allude. My learned Friend said, a banner! (for all these little difficulties occurred in the way of my learned Friend, in his march towards the field; but he, too, doubtless has been drilled for this day; for he endeavoured to get to the scene of action with as much regularity and order as the difficulties of his case would permit;) why, there is nothing in a banner; they are only adopted for the purpose of distinguishing the townships. If you wished to distinguish one township from another, you would put the name on the banner; you would do nothing more than that. These men did more; to make assurance doubly sure, they put “Lees” on one side, and “Liberty or Death” on the

other. Then a fat, pompous, good-looking sort of a gentleman is called,] to account to you for the banner being black. He had no other paint but that: the painter deals altogether in black paint; it is sent to him to be painted; but unluckily, most unluckily, he is out of red paint, green paint, and all other paints but black—why, he is therefore compelled, against his will, to paint the banner black. This story is absolutely ridiculous. If you send for a painter to come and paint your door, you don't leave him to choose the colour. He comes and tells you he is out of all colours but black, and therefore he must, whether you like it or not, paint your front door jet black. This man has come a great distance, from Leeds, in Yorkshire, to tell you that which is altogether incredible.

Mr. Justice Holroyd.—The witness came from Lees near Manchester.

Mr. Serjeant Hullock.—I should have said, if they brought him from the Market Place at Lancaster, they had brought him too far. I say they bring him to prove that which is truly ridiculous, ludicrous, and absurd. From the gravity of my learned Friends, they appear to think you will be contented to swallow this monstrous folly. He is to shew the banner was painted black, because he had exhausted all his other colours before that flag came to its turn to be painted? My learned Friend says, there is nothing in the inscriptions; that "Liberty or Death" is to be found in an old song. I ask you, Gentlemen, what a meeting of this sort, when congregated under such circumstances of defiance, of strength, of hostility, and of preparation, meant to express by such an inscription, upon a black banner; whether you think that it was adopted merely as a quotation from an old song? My learned Friend talked about virtual and actual representation: was it to obtain actual representation, that these multitudes con-

gregated on the 16th. August? The Members for this County were only the virtual representatives of the assembly of St. Peter's Field: it was necessary therefore to have and elect an actual representative of that body, and such a representative, an actual representative, was to be obtained by election by the meeting of that day. "Equal representation or death", therefore, I submit to you, and I do it without fear of contradiction, could have meant nothing else but this, that we will accomplish the object, (which I say was treasonable at the time,) we will accomplish the object, or we will die in the attempt. "Let us die like men, and not be sold like slaves". Were they then slaves?—were they in that species of thralldom and misery which warranted them to call themselves slaves; and rather than endure their slavery any longer, to seek their release in death? Will any man of common understanding say that, in his conscience, he believes that these inscriptions were calculated or intended to excite in the minds of these men any thing else but disaffection, discontent, insurrection and rebellion? I say it is impossible for any man alive to believe otherwise. Will any man point out any other purposes for which such inscriptions could be adopted or intended? "No Corn Laws." Give me leave to say, Gentlemen, that, although I do know that several great men, I mean statesmen, men who are able and qualified to judge and to reason on topics of this sort, (I mean neither Hunt nor Carlisle,) do differ with respect to the prudence or expediency of that measure, still, I say, no man has, either by dagger or sword, or by force or violence, a right, in this country, to raise the people of the country, either to violate, or render them discontented or dissatisfied with the law. If that act of Parliament gives offence to these gentlemen at Manchester, any other act may do the same. They may next say, "we will have no act of Parliament that subjects a man to punishment for

and violence, at the time the Magistrates were called upon and required to act; and you will declare, by your verdict, whether, in your honest judgment, you believe that these gentlemen could, consistently with the duty which they owed their country, as faithful conservators of the public peace, have acted, under the impressions which, at that time, they conscientiously entertained, in any other way than they did upon that day. The Magistrates, as I stated before, being fully aware of all the preparations that were in progress for this meeting, and having good reason to suppose that Hunt was not a man to be easily put off, although they had caused a placard to be put up, intimating that the meeting of the 9th. was illegal, and therefore they should disperse it; knowing he was not a likely man to give way, they were quite aware the meeting would not be abandoned, though it might be deferred; and, therefore, they took every precaution which their experience, and their knowledge of the country and its inhabitants, could suggest.—They left their houses, they came to reside at Manchester, they lived at the inn there, they met from day to day in order to consider of the most proper measures for the preservation—of what? not of their property, not of their interests; if these had been their care and their concern, if they had tended their own comforts, and their own enjoyments, they would have staid at home;—but for the preservation of the property and peace of Manchester; they continued at Manchester; they met there; they considered these matters, day by day, and almost hour by hour, and all for the purpose, as much as in them lay, of securing the immense property which centered in that place, and the tranquillity also of the country. You must know, better than I can do, that the district near Manchester is one of the most populous in the kingdom; that thirty or forty thousand individuals may be got together there on any day, and at any hour of the day,

almost under any pretence ; therefore it was their duty not to neglect any precaution, which their knowledge of the state of the public mind at the time could suggest. The meeting, as I stated to you before, of the 9th. of August, was postponed ; but the Magistrates had good reason for believing, through various channels of information which reached them from different parts of the surrounding country, that the 16th. was the day to which the meeting was adjourned ; and they therefore, on the morning of that day, took a house immediately contiguous to the field, which has been described to you by several of the witnesses, as Mr. Buxton's house. When the Magistrates went to Buxton's house, which they did before ten, having left the Star Inn about half past nine o'clock, a cart was standing at a certain part of the area of St. Peter's, which appeared obviously to have been so placed, as the place or hustings from which the orators were to speak. The Magistrates therefore, in the first instance, caused an extra number of constables to be sworn : two lines of constables were then formed, with about an interval of a yard or four feet between the lines, from Buxton's house up to the cart ; thereby preserving, at that time, and, as they hoped they should be able to do throughout the whole of the day, a free and uninterrupted intercourse between the house and the cart. Gentlemen, it will appear in evidence, that the different divisions of people that came upon the field, took up their ground as they arrived ; the first division reaching the spot about ten in the morning. They came with music playing, and banners flying ; and they marched in, and took up their ground near the hustings, with the same order and regularity that a regiment would take up its position on a field-day. They shouted, and were cheered in return by the persons who had before reached the field, and were then waiting their arrival. The standards were planted either upon or round the cart

which formed the hustings; and from ten o'clock, down to the time when the great hero of the day arrived, these divisions continued to arrive and form themselves in order around the hustings.—The divisions were composed of various numbers: some of them contained 2,000 persons, some 4,000; one man tells you there were 4,000 men in one party; others tell you that the divisions contained 5 or 6,000 each. The whole of these divisions successively arrived, and took their ground with the same regularity of military step, as well organized as men could possibly be, under such circumstances. They moved to the sound of the bugle, to the drum; and each party, as it came up, took up the next vacant space, which had been left unoccupied, near the hustings. Their banners were planted like those of the former divisions; and there they remained, just as steady as a regiment does under arms, or rather while standing at ease, in expectation of the reviewing general. Division after division came up in this state to the field, from ten o'clock to the time I have alluded to. These things passed under the eyes, observation, and in sight of the Magistrates. Were they not likely to excite some attention? Were they not likely to operate on the minds of the peaceable inhabitants of Manchester? The hour was fast approaching at which Hunt, the leader of the day, "by merit raised to that bad eminence," was to arrive; and the area of St. Peter's was gorged, filled, and crammed full, to an overflow. The peaceable inhabitants of Manchester then became alarmed, and in my humble opinion, justly so; because, in the language of Mr. Stanley, where is the man that will take upon himself to say, that a meeting could be other than dangerous, that was confided to the care, and to the discretion of Hunt or Carlile? I will shew you, Gentlemen, that applications were made, almost hourly, to the Magistrates by Gentlemen of property, by men of character living in the place, who had the right to

feel, and to think, and to act on their feelings and thoughts, as much as Mr. Shuttleworth, or any other individual, be he whom or what he may, that lives in the place, for protection and security;—that they, on their oaths, expressed their apprehensions that the town was in danger, was in peril, by the innumerable bodies of men that had, at that time, arrived, and were arriving, in St. Peter's Field.

Gentlemen, I told you, a little while ago, that the communication between the hustings and Mr. Buxton's house was attempted to be preserved through the medium of two lines of Constables. These lines formed an avenue; and, as long as that remained open, there was a free intercourse between the house and the hustings. The object was, to enable the Constables to apprehend any one or more of the individuals who should, by taking an active part on the stage, shew they were the persons who had a control or influence over the meeting. There were some inferior personages, who occasionally came on the stage, as in a theatre, by way of amusing you during the first and second music; there were, accordingly, a few men, who, at intervals, addressed the people in short speeches, just sufficient to keep in proper excitement and spirits, those who were standing around the hustings. These men saw the object of the Magistrates, in pushing out the lines of Constables, and they penetrated at once into their views; and they saw if that line of communication was kept up, there could be no safety for any man upon the hustings. They therefore immediately altered the position of the hustings; they removed the cart further back, and the interval thereby created, between the line of Constables and the hustings, as I shall shew you by the clearest and most indisputable testimony, was immediately closed up by the rushing in of a large body of the people between them. Not one single witness has attempted to prove to you, with the exception of Mr. Stanley, and his evi-

dence goes literally for nothing at all, not one single witness has ventured to state, that, at the time of the apprehension of Hunt, the access to the hustings was not interrupted and cut off by the intervention of the people, in the way I have just stated. I will shew to you, clearly and distinctly, that it was ; and that it not only was interrupted then, but that there was an impenetrable barrier of men, a mass of people locked arm in arm, not in the language of Mr. Smith, one link, for I think he did not venture to say there was none—

Mr. Smith.—No, no.

Mr. Garnett.—It was I, Mr. Serjeant.

Mr. Serjeant Cross.—These interruptions are improper.

Mr. Serjeant Hullock.—I have no occasion, in a case like this, to misstate any thing. Gentlemen, it was stated to you by one witness, that there was only, in one part, the linking of arms, I think, of one row. I shall shew to you, by the clearest testimony in the world, that seven or eight men in depth were linked arm in arm, and constituted an impenetrable barrier to the Constables, and even to the Cavalry, for a considerable portion of time. That, I shall shew to you. One witness was asked the question—Mr. Tyas, (that Gentleman certainly did himself great credit from the mode in which he demeaned himself,) and he stated he could not pretend to say, from the position in which he was, whether their arms were locked or not. What does Mr. Stanley say? He was not asked the question, I believe ; but he said, that he believed that the line of Constables almost surrounded the hustings. His expression was, and that expression was repeated, they “apparently” surrounded the hustings. I shall prove to you, that that was not the fact ; that the end of the line of Constables terminated ten or twelve yards from the hustings ; and that, beyond that, it was impracticable for the Constables to penetrate, and quite idle, and perfectly absurd for them to

attempt to do so. Hunt came about one o'clock ; he arrived in an open carriage. A female dressed in white, (no doubt fit emblem of her purity and innocence,) and waving a banner in her hand, occupied, "in a decent and exemplary manner," the box before the carriage. In the carriage, with Hunt, appeared Carlile, the keeper of the mart for blasphemy and sedition ; Johnson, the brush maker ; and Moorhouse, the coach-master, and one or two more friends of similar rank and character,

———" Whom mutual league,
United thoughts and counsels, equal hope
And bound, in the glorious enterprise
Had joined."

The shouting which then took place, has been described. Mr. Stanley, who certainly has the most singular feelings under any thing terrific, of any man I ever heard of, states that the shout was terrific, tremendous ; yet he felt no apprehension at all. He admits, however, and you will consider the value of such an admission from Mr. Stanley, that a meeting, assembled under the auspices and direction of such men as Hunt and Carlile, could not be considered otherwise than as dangerous : and I declare to you, I solemnly protest, I should have but a very mean opinion of that man's understanding, or honesty, who should gravely tell me, that he could view, with indifference, and without emotion, a meeting so conducted, so met, and so governed.

Let us pause here for a moment, if you please, and before I go further in my statement, let us withdraw the Magistrates, let us carry them to their respective homes, and leave the Manchester Yeomanry at their private occupations, the 15th. Hussars within their barracks, and the 88th. Regiment in their quarters ; and then, I will ask you, whether you would have felt dismay, whether or not you would have felt apprehensions, if you had seen the meeting, in the state and

condition in which it was, on the arrival of Hunt upon the field? Has there ever been a meeting of this sort, since the beginning of the world, down to the present time, which, if left to itself, has not terminated in riot, tumult, and mischief, although assembled under circumstances of peace and tranquillity? (and I do not consider the inquiries entered into so largely, concerning the mode in which these men came to the field, to shew that they came peaceably, quietly, and orderly, of the slightest weight; because it was not likely that they should fall out by the way.) But, Gentlemen, all of you remember, some of you perhaps witnessed, the riots which occurred in, and disgraced the metropolis in the year 1780. A mob composed, comparatively speaking, of one third only of the number which constituted the meeting in St. Peter's Field, on the present occasion, met under the auspices, not of a man like Hunt, but of a man of birth, of family, of indisputable honour and integrity, and undoubted sincerity. Lord George Gordon endeavoured to rule, to control, to regulate, the mob, but he endeavoured in vain. The Lord Mayor of London, at that time, stood with his arms a kimbo, saw the people rioting before him, without calling to his assistance the military power. I pray you, Gentlemen, what was the consequence of that proceeding; or rather of the inaction, or the pusillanimity, which appear to have prevailed on that occasion? The mob first set fire to the prison of Newgate, liberated 500 or 600 of the miserable inhabitants of that miserable abode, burnt several Roman Catholic chapels, destroyed the house of the venerable Lord Mansfield, and, finally, set fire to several parts of the town. Parties of the mob were detached, successively, to burn prisons, chapels, and public buildings; and the whole town was, for many hours, in the hands, and at the mercy of an inflamed and infuriated populace. At length, after incalculable mischief had been done, the military were brought

into action; and regiment after regiment, as well of infantry as cavalry, was brought, by forced marches, to these different scenes of riot and outrage; when a scene of carnage and bloodshed ensued, upon which no man can, even yet, reflect, without horror. But to whom, and to what cause, were the melancholy events of that day to be mainly ascribed? To the pusillanimity and inaction of those, to whom the preservation of the peace of the town, by their situation, was confided and entrusted. The consequence was, that a criminal information was filed against the then Lord Mayor of London, and he was found guilty, and fined in the Court of King's Bench. Gentlemen, upon that occasion it was said, and that saying has been repeated oftentimes since, by different learned Judges, that it is the bounden duty of every man to interpose his aid, be he public or be he private, towards the preservation of the public peace; but *à fortiori*, and emphatically, that it is the peculiar duty of the Magistrates of the land, who, when they take upon themselves that character and situation, take upon themselves all the responsibilities which result therefrom, and amongst the greatest and heaviest, is that of, at all events, keeping the peace and tranquillity of the country.

"The recent meeting at Spa Fields, is in the recollection of every one. How did that meeting terminate? Why, a single observation, by an insane and drunken young man, whilst the orators were still haranguing from the hustings, and the great body of the meeting appeared, in the language of Mr. Shuttleworth, to be listening in a decent and exemplary manner, subjected the town to plunder, and almost to destruction, for a considerable portion of time. The mob flew from the place of meeting, and ransacked and plundered several houses and gunmakers' shops, and committed all sorts of excesses, until their lawless proceedings were, late in the night, put a stop to by the intervention of the military. Such was

the result, and such the effects of these meetings. Now, I ask you, whether you think human nature, or the principles of human action, have experienced any alteration since that time? I ask you, whether a meeting on St. Peter's Field, at Manchester, met together, and convened, not by a man of family, not by a man of property in the county, not by a man of known character and worth, but by an itinerant demagogue, who went about, not doing good, was likely to terminate in a different manner? Do you think that this meeting at St. Peter's field, would have terminated otherwise than those to which I have alluded, but for the interposition, the timely, the seasonable, and, I add, the necessary interposition of the Magistracy? Supposing you abstract the Magistrates from the place, draw off the military, and leave these men to themselves, and I ask you, what, in your honest opinion, would have been the consequence, the conclusion, the sequel, of that meeting? These men, in a hot summer's day, come from a great distance; some of them had travelled ten or twelve miles, and they come to Manchester with their wives and children, as it should seem. After listening to, and after swallowing all the sound and constitutional doctrines, which would, doubtless, be delivered from the hustings, the people would, from necessity, resort to the gin-shops and ale-houses of the place: it was not in human nature, to go through so long, and so laborious, and so patriotic a day, without refreshment. The mob therefore, would have certainly adjourned to the public houses, and would have employed, in drinking, the remaining part of the day; and I ask you, when full of the principles of Hunt, and the religion of Carlile, illustrated and enforced by the powerful and decisive co-operation of gin and ale, in what way it is probable the succeeding night would have been employed? Do you believe that the peace, the tranquillity, the property, and the lives of the peaceable inhabitants of Manchester, were without peril, and without danger, if these men

had been permitted, on that night, to have followed their own devices? Was there no danger to be apprehended from these operations? Can any man who hears me, doubt that a meeting of 60,000 persons, and I will shew you, on the most moderate computation, that the persons assembled amounted to that number, (some put the numbers higher,) assembled under the circumstances, and in the way in which this meeting assembled, was calculated to generate apprehension and dismay, in the minds of the peaceable and reflecting part of the inhabitants of Manchester? If it was calculated to produce such an impression, there is an end of the question; because, if it was, and if the Magistrates were well founded in thinking it was so, (and that they were, I think no reflecting man can entertain a doubt,) I say there is an end of the argument, because they had a right to disperse it:—it was an illegal meeting, and they had just as much right to disperse it, as to abate any public nuisance that ever yet existed in the land.

If that be so, let us see what it was the duty of the Magistrates to do. Upon the arrival of Hunt upon the ground, the meeting had acquired a mighty accession of strength, and, in proportion, a great increase of noise and tumult took place. At that time, the Magistrates received a complaint, that is to say, a declaration of a great many individuals of the place, that, in their judgment, the safety and tranquillity of the town were put into imminent jeopardy, by the continuance of the meeting. The Magistrates, exercising the best judgment they could upon the subject, and forming their opinion in the only way in which they could, namely, on their knowledge of the manner in which the meeting had been assembled, of the circumstances actually passing before their eyes, and from the nature of the men who appeared to have the management and direction of the mob, men of desperate habits, desperate fortunes, and

desperate principles, came to the conclusion, that the assistance of the military was absolutely necessary. At this moment, information was given them that Hunt and the other persons were upon the hustings. A warrant for the apprehension of Hunt and others was made out, and was signed by ten Magistrates who were met there, for the mere purpose of providing such measures as might be deemed necessary for the security of the public peace. It is ridiculous to suppose these gentlemen met for the purpose of massacre, and of death; it is idle to suppose so. If those consequences were to ensue from measures, which, in their judgment, became necessary for the public tranquillity, upon whom was the blame to attach? Upon the persons who brought the parties together, and not upon the individuals by whom the peace and the tranquillity of the place were to be sustained. Gentlemen, a warrant was issued; the military, at that time, had not been sent for. The warrant was put into the hands of the Constables, in order to be executed. The Constables stated decidedly, one and all, that they could not, by means of the civil power alone, execute this warrant; they said it would be the height of madness and folly to attempt it; that it was altogether impracticable to get to the hustings; and, moreover, they declared that they would not put their lives in such imminent jeopardy, as would be done by attempting to do it without the aid of the military. My learned Friend says, they ought to have tried the civil power first; that is, you are to push forward a Constable or two, and get them clearly and distinctly murdered before your eyes, before you ought to be satisfied the civil power cannot perform impossibilities; before you are satisfied the mere constables cannot perform that, which no one in his senses would attempt to do. I say, that is not the law of the land. If it be clear and indisputable, exercising an honest judgment on the circumstances of the case,

that the civil power would be ineffectual, then the putting the civil power into such a service would be presenting them to sure and instant death and destruction, and would be most unjustifiable; and the Constables will, if my learned Friends so please, tell you the reason why they durst not do what they were desired and ordered to do, upon this occasion; the civil power will tell you the manner in which, when they had recently before that time attempted to execute a warrant, they were treated by a mob. They therefore did that, which all men will do under certain circumstances, venture to exercise a judgment for themselves, whether or no they will incur the danger of instant death. The Magistrates, for I shall call several of them before you, unanimously concurred with the Constables, in believing that the civil power alone was inadequate to the execution of the warrant; and they did that, which I venture to hope you will do to day, they decided that the assistance of the military was necessary. Mr. Hulton, the Chairman of the Committee of Magistrates, immediately dispatched a messenger on horseback, to each of the officers who commanded at the military stations. And here, Gentlemen, I cannot help observing, that the reputation and conduct of this gentleman, Mr. Hulton, have, since the discussion of this question, upon the trial of Mr. Hunt at York, been assailed by the grossest and most scandalous imputations and aspersions, that the tongue of faction or malignity ever yet attempted to fix upon a man of the most unsullied honour, most unblemished character, and indisputable integrity. But the day has at length arrived, when this gentleman also, along with the defendants, shall have an ample opportunity afforded, for vindicating to the world the measures, the views, and the conduct, which were taken and adopted on the day in question. By the invincible firmness, and the genuine courage of Mr. Hulton, I verily believe, in my conscience, Manchester was saved from

destruction. A note was sent to the commanding officer of the Manchester Yeomanry, with whom the Magistrates had been in communication, the day before, and who had been stationed with a troop of that corps, in a street not very far from the field ; and a note was also sent to Colonel L'Estrange, the officer who had the command of the district, to bring up the other part of the Cavalry, consisting of a part of the 15th. Hussars, and some troops of the Cheshire Yeomanry. The first troop that arrived upon the field, was a troop of the Manchester Yeomanry. No two of the witnesses agree, in their account of the pace at which they arrived. Some say they went at a quick pace, some fast, some slow. But this circumstance is quite immaterial; every body knows, when troops are sent for upon an emergency, they make the best of their way to the spot. That troop, however, arrived the first. At this time, it was deemed proper by the Magistrates, that the Riot Act should be read. My learned Friend seems to express great doubt and suspicion concerning that fact; but there is no more doubt about the fact, than that I have now the honour of addressing you. I will prove it to you by the gentleman who read it, and those who heard him. Why are we to invent such a story as this? I shall prove too, an attempt was made to read it on the ground, but it could not be effected. It was read out of the window of Buxton's house—over the very door at which M'Kennell was standing, and under the window from which Mr. Stanley was looking out; and yet they, who have so full and perfect a recollection, they who affect to tell you, nothing took place but what they saw and heard, neither one or the other of them, heard the reading of the Riot Act. But that it was read, will be put beyond a doubt. The Cavalry arrived; the warrant was put into the hands of the Constable. I don't know whether it was put into the hands

of the chief Constable, Moore, or the deputy, Nadin; both however were present. When the troop was drawn up, which it was done, and halted for an instant near to Buxton's house; the Constables told the officer at their head, who was Major Trafford, the then commander of the Manchester Yeomanry, that they had a warrant, that they could not execute it without the aid and assistance of the military; and they will tell you, one and all, every man who was there, all the special Constables, men of character, men of property, and I should hope and trust you will deem them also men of veracity, that there was not one dissenting voice, there was not one opinion, nor one impression on the subject, but that which led to the conclusion, that without the aid of the military, the warrant for the apprehension of Hunt, Jebuson, and the other persons named in it, could not be safely executed. And here give me leave to say, Gentlemen, that it is somewhat marvellous in Mr. Stanley, (who is, I understand, a man of character and respectability, and, I am quite sure, any thing I say will not affect the one or the other,) but it is somewhat marvellous, it strikes me so, as wonderfully odd, that a gentleman, who at that time was observing what was passing, who went from one room of the house to another, when he heard the Cavalry had been sent for, and saw the messengers scouring across the field for obtaining their support; it is somewhat singular that that gentleman, having an intimate friend in one of the Magistrates, (and one is better than two on such an occasion as that,) in the room below, should never go down to express either his surprise or amazement at, or his dissent from, the proceedings, which he knew were in progress, and which, in his judgment, he supposed were likely to lead to such a serious result. If I had been there, and had entertained an opinion like that of Mr. Stanley, even if I had not had an intimate friend below, if I had been merely known as a gentleman of the county, and

a man of character and station in the world, I should have ventured, on my own responsibility, to have suggested, humbly and with deference, my opinion upon the subject. This gentleman does no such thing; he does more than that: he witnesses the whole process and proceedings of the day, he then mounts his horse and returns to his own house, in company with a gentleman, whom, probably, I shall call before you; and from the time of his mounting his horse, to the time of his quitting that individual, he never once opened his lips in disapprobation of any part of those proceedings. That is somewhat singular. But some months afterwards, and after having perused a written account on the subject, after having seen the newspaper statements on the subject, he himself puts into circulation among his friends, through a lithographic press, for he tells us that he did not publish on the subject, a printed account or statement of the events of St. Peter's Field.

Gentlemen, the Constables having told the commanding officer, as I have already said, that they had a warrant for the apprehension of several persons upon the hustings, it was necessary they should immediately set out to execute their purpose. I shall shew you, that they went up as far as they could; and I don't care whether they set off in a trot, a canter, or a gallop, or, as Mr. Shuttleworth would have you believe, whether they flew there; (because he seemed to think all the legs of the horses were off the ground at once). Every man who has seen military movements, knows the first rank men go slower than those who come after; there is a certain open space left by the removal of the first rank, which is filled up, with all practicable dispatch, by those who follow. That could occasion no damage to the mob, as those who moved off first, must have been still between the others and the people. I shall prove to you, if it wanted proof after the evidence which has been given, that these persons, in pur-

sance of the orders they had received to execute this warrant, proceeded towards the hustings, from which these men were then holding forth, and from which they were giving cheers, as soon as they saw the Cavalry;—as to the meaning, and import, and intent of such cheering, no one can doubt. The Cavalry cheered in return; to be sure they did; were they to be appalled, cowed, or bullied by this meeting? They went up; and I will shew to you by the evidence of witness after witness, till you are perfectly satiated with the evidence, that there was not a sabre used, or a blow struck, till they got to the hustings. I shall shew you, moreover, that long before they reached the hustings, (when I say long, of course, time on such a subject, is uncertain and indefinite,) they were assaulted by brickbats and stones innumerable; that stones were flying all around and upon them, and that they met with great, and palpable, and almost insurmountable resistance, by the time they reached that place. Nay, moreover, I will prove to your satisfaction, that the resistance was most alarming; for it was merely a slender troop that advanced in this way, and every person knows, however well disciplined a corps of Volunteer Cavalry may be, and whatever may be the steadiness of the men, how difficult a thing it is, to carry into the field a troop of steady horses. But the truth is, they advanced in perfect order and regularity; there was not a blow struck, or a cut made, till they were attacked by the mob, in the way I have mentioned; when, of course, they had a right to repel force by force, and whatever took place after, was perfectly legal and perfectly justifiable. How does the matter then stand? When they arrived at the hustings, it is quite clear, from every view of the evidence on the other side, that a great contest and conflict arose concerning the banners, concerning those insurrectionary and revolutionary banners. I will shew to you by the evidence of those who were eye witnesses of the whole scene, fully as

competent, fully as credible, fully as likely to see and to remember accurately, and repeat faithfully, what took place, as any gentleman or any individual who has been hitherto called before you, that it appeared to every one, who was at that time overlooking what was passing upon that part of the field, that the Manchester Yeomanry, who had accompanied the Constables, behind whom the mob had closed, were overpowered and overwhelmed, and that without prompt aid and decisive assistance from the other part of the military, they would be annihilated in the conflict. Just at this period of the transaction, the other Yeomanry which were sent for at the same time as the Manchester Yeomanry, but had a greater distance to come, the 15th. Hussars, and the Cheshire Yeomanry, reached the ground. And, here, you will observe a little inaccuracy in the evidence of Mr. Stanley, certainly unintentional on his part; and I only mention it, to shew that when he states he thinks he saw such and such things, he may be deceived. He states that the Cheshire Yeomanry came on the field first. They did not; the Light Dragoons arrived first, and the Cheshire Yeomanry followed them. That is a circumstance totally immaterial; but it serves to shew that Mr. Stanley's belief, and recollection, and knowledge on the subject are not to be implicitly relied upon. At this time it was the general opinion of the Magistrates, that unless prompt and immediate assistance was rendered to the first troop of the Manchester Yeomanry, they would be inevitably overpowered; and it was considered by every man, both civil and military, that that really was the then situation and state of things. Orders were therefore instantly given to Col. L'Estrange, to rescue the troop who had advanced for the purpose of seizing Hunt. At this time, the conflict was continued on the hustings; there was a difficulty in getting Hunt off, and it was some time before they could get him to the Magis-

trates. The question you will have to decide, upon this part of the case, will be, were the military guilty of any act, or did they use any violence towards the people until they encountered resistance from the people? Because if there was no such thing, then, beyond all controversy, there is no question, but that which they did was altogether legal.

These are the circumstances of the case; and, under these circumstances, the Magistrates were called upon to exercise a sound and honest discretion, which must, upon such occasions, be lodged somewhere, and can only be lodged in the constituted authorities of the land. Was the resolution which they adopted, that which the occasion required? But unless you should think this meeting not only legal, but also that it exhibited no circumstances whence alarm or apprehension might be excited, you will, I am quite sure, sanction the proceedings of that day. What were the Magistrates to do? Were they to seek about for Mr. Shuttleworth, for those individuals who were called by my learned Friend, Mr. Greg, and somebody else, who stated they had no doubt or apprehension on their minds? And, Gentlemen, 50,000 persons, I speak within bounds when I say so, might have been found on the field, on that day, who would have sworn, with equal sincerity and equal truth, that they neither saw nor felt any danger. It is not the danger, or apprehension of danger which is felt by the principals in a transaction of this sort; it is not the apprehension of danger, felt by persons who come from no place, who have no property or interest at stake; it is not what reporters, whether from Liverpool or Leeds, may feel on the subject; it is not what Alexander Anderson, the cotton spinner, thinks on the subject; it is what they thought who had a duty to perform, and who were acting under a grievous responsibility in exercising their thoughts upon the subject; it is what the individuals thought upon the subject, who resided on the spot,

who had no feelings, but such as were inspired by the occasion, by which the nature and description of the danger of this day, are to be weighed and estimated.

Now, Gentlemen, let us see what case has been made out on the other side. I will shew to you, beyond all controversy, the facts that I have stated to you; I will shew to you that no attack was made by the Yeomanry; I will shew to you, that nothing was done till they met with that resistance at the hustings, which, I say, was illegal, and which they had a right to repel by force. How is this met? What is there on the other side, that goes to affect, for one single moment, the weight or value of any argument I have used before you? All yesterday was employed in calling before you individuals who had gone from different parts of the country to this meeting, not one of whom could tell why, to shew it was peaceable and quiet. One man, I think, said it was as quiet as people are in a church; another, to day, Mr. Shuttleworth, who deals in fine words, told you, forsooth, that he never saw "such decent, and such exemplary conduct before." What does all this amount to? Mr. Shuttleworth, as a member of the committee appointed for the relief of the sufferers upon this day, has already taken an active part, as he confesses, in these transactions; and therefore, probably, he may have strong feelings on the subject. I should suppose, if we could have had Mr. Hunt, from Ilchester—if he could have been spared to us for one short day, he would have told you he felt no alarm, that he felt no fear, that there was no danger, or any apprehension of danger. What do the other persons state? All of them state to you the self same thing. The gentlemen they have to day called before you, have proved the same; there is not one single individual who was not either a principal on the occasion, like the persons first called as witnesses, or men, like those called last, who have wishes

upon the subject. I don't mean improper wishes; but they may entertain a lurking fondness, a kindness for parliamentary reform, for the insane doctrines of universal suffrage, and annual parliaments. If that be so, such witnesses cannot be considered as so unbiassed and unprejudiced as the witnesses whom I shall call before you; gentlemen of the town and neighbourhood of Manchester, and the Magistrates of the county. These gentlemen can have no interest, no private views or wishes to promote or serve, no feelings to gratify in the discussion of this day. Two persons were called yesterday, the one a chymist and druggist, and the other a Dr. Earnshaw; the latter happened to ride a good mare, and told you that he went to the meeting as if he was going to a fox chase; he went seven miles in twenty minutes, for the purpose of being in time. Did that man come before you in a frame of mind to give you impartial testimony on the subject; he, who tendered himself to the Jury at Oldham, as a witness, but was, by technical rules of law, (being a Quaker,) precluded from giving evidence, because he would not be sworn; is he, who, after having been rejected as a witness, on that ground, thought it right, thought it honest, to put into circulation, a statement of what he could have affirmed or sworn; I say, is that person a likely person to give you a fair and impartial account, or a highly coloured and embellished statement, of what he saw and heard on that occasion? I say that you cannot rely on such testimony. Then what is Mr. Shuttleworth? Mr. Shuttleworth is, of all other men, the boldest man they have ventured to call; they delayed calling him, in order, I suppose, that he might have time to wind himself up to the sticking point; for he comes to-day, and tells you that he saw the Cavalry strike and cut before they got to the hustings. What does Burgess say? Burgess, who at that time was a member of the corps, but who is no longer so, and therefore, whatever

may be the reason why he is not now a member, is not likely to possess feelings of very great affection towards his old regiment; but he gave his evidence, I must say, with great impartiality, great fairness, and great distinctness; and I think you will be of opinion, that his evidence is almost entitled to as much weight, as the evidence of Mr. Shuttleworth. What does Burgess swear? Do you think my learned Friends would have called Burgess, if they had thought he would have given the sort of evidence which he gave? He stated, distinctly, that no blow was struck or any thing done to the people, until the Cavalry got up to the hustings, and then, he said, they encountered resistance, great, strong, resistance; and, he said, distinctly, that then, and not till then, the conflict began. What does Mr. Shuttleworth say? Having what is called a bird's eye view, (now a bird's eye view enables you to see only half, or just so much as serves your purpose,) he swears distinctly, in measured language, (this is the gentleman, I believe, who talked of "reciprocal shoutings", and "consentaneous" movements,) that he saw the Cavalry cut, I think both right and left, before they got up to the hustings. He is the only man who has ventured to swear to that fact. Others tell you they cut one way or the other, but whether by way of menace merely, or in order to cut and wound, they would not say: other persons say they saw swords go up and down, with what view, they cannot tell. The only individual who has ventured to go to that length, is Mr. Shuttleworth; and he certainly did state that; and he is decisively contradicted by a man who was on the spot, and one of the persons, who says, that he himself received a blow from one of the mob in going up to the hustings, and he swears that no such thing as cutting took place. I shall confirm Burgess's testimony; I shall confirm it by numberless witnesses; and I shall shew you that it was the opinion, and

that it was the well founded opinion, of those who were to exercise a judgment upon the subject, that the steps that were taken, were the only steps that could be taken; that they were necessary; and if they had not been adopted with decision, dispatch, and effect, the most serious and dreadful consequences must have inevitably ensued. One circumstance had nearly escaped me. From the manner in which some of the questions, that have been put to several of the witnesses, have been shaped, it should seem my learned Friends would wish you to believe, that no stones were, or rather could, be thrown at the military, in their advance towards the hustings; inasmuch as from the closeness and density of the crowd, it was quite impossible for the people to stoop to the ground, in order to collect stones. And that, probably, might be the case. But every one knows, that it is quite possible for a mob to go to the scene of operation prepared with this description of missiles. The field had, in fact, been carefully cleared of stones, and every sort of thing capable of being thrown by the hand, on the evening of the 15th. of August, by the direction of the police. And the place was also minutely inspected by the Constables and the surveyor of the highways, on the morning of the 16th. These persons will tell you, that when the meeting assembled, not a stone or missile of any sort was to be seen on the field. But after the separation of the meeting the whole of the field was strewed, and almost literally covered with stones, brickbats, and sticks. And it will be in proof before you, that the stones picked up were not of the kind adapted to, or used for, the purposes of paving; but were large, round, smooth, stones, that evidently had been selected, from the gravel heap or gravel bed. These facts require no comment.

Gentlemen, I have stated to you the object of this meeting. It is quite clear that these persons might have done all that

they affect to have met together to do, at home; they might have deliberated, and might have petitioned; and their petition, most indisputably, would have been received in the way in which all other petitions are received which deserve attention. But surely this was not the way to receive attention from any quarter; this was not the way to produce any other result, or any other consequence, than the disturbance of the peace and tranquillity of the country. Now, Gentlemen, permit me again to ask of you, what evidence you have that this person, the plaintiff Redford, was wounded at all? A person of the name of Prestwich, states to you, that he knew Redford ten or twelve years, and that he knew Mr. Oliver ten or fifteen years; he saw him when he was, as he describes, in a state not likely to recollect much, or be aware of what was going on. He states to you that Oliver was the person who struck him; he describes the direction of the stroke; he tells you it was across the shoulder, or some part of the back, but whether the plaintiff was wounded or not, he does not say; he might have been hit with the flat part, or with the edge of the sword, but there is nothing before you to shew that he was cut or hurt; and, with great submission, there is every thing to shew he was neither the one or the other: because, you know, all of you have been long enough in the service of your country, in the situation you are now filling, to know, that when evidence may be produced and is not, the inference is, that the production of it would have failed to establish the fact it was intended to establish. My learned Friend has told you that this man was so cut, that he was thereby incapacitated from following his work, and that he is not yet recovered. Are there no persons who lived in this man's neighbourhood, is there no surgeon living, or to be produced before you, by whom this wound, which was attended with such serious and painful consequences, was either dressed, or cured, or attempted to be cured? Is there no individual

who knew this man?—for whether he is living or dead at this moment, I protest, upon the evidence in the case, I know not. What are the circumstances, then, to warrant my learned Friends in calling upon you to give great and excessive damages on this occasion, when it is a doubtful point, whether or no the man did sustain any injury whatever? How is Oliver identified? The man told you he did not know how he was dressed; he was dressed as one of the Cavalry, but he did not know how; whether he had the jacket or dress of a serjeant, with his serjeant's marks on the arms, or certain parts of his sleeve; he did not know whether his dress had those marks, or those indications or not; he knew nothing at all about him: Oliver seems to be the only man he knew, and therefore he selects him. No surgeon has been called. I say, is there no neighbour who lived at Middleton, who was in the act of associating with the plaintiff at the time?—for he must have had associates, acquaintances, or friends. It is quite clear, therefore, to me at least, but I submit it to your better judgment, that no fact has been made out against Mr. Oliver.

Gentlemen, there is another part of this case to which I must address myself to you, and through you to his Lordship. I shall shew to your entire satisfaction, because there is no doubt about the fact, that these individuals, whether the meeting was legal or illegal, were acting under a warrant; that they acted in obedience to a warrant, in aid of the civil power; that the resistance which they received was a resistance to the execution of the warrant. And if that be so, in point of law, I apprehend there is an end of this case; because his Lordship will tell you, that, in the way in which these pleadings are shaped, and this case now is constituted, if the defendants were acting, either under a warrant or without a warrant, under the command, and in aid of the Constables, that, in either

case, the plaintiff, if he had thought proper to bring his action, ought to have brought it within six months after the transaction took place. My learned Friend tells you that this action was begun in the course of last summer, long therefore subsequently to the expiration of the six months ; and it is no answer to this objection, to say, that if a notice had been given, and if the action had been commenced within the period prescribed and limited by the act of Parliament, that the facts of the case would have constituted no answer to such an action. Parties are, under circumstances of this sort, entitled, by law, to have the notice ; they are entitled to the protection of the statute, whether the statute would, under the circumstances, if acted upon, have furnished a legal justification or not.

I shall now proceed to lay these circumstances before you in evidence. Gentlemen, you have a great and weighty task to perform. I admit that it is important that the laws of the country should be administered to the satisfaction of the country ; and I am quite sure, that in anticipating your verdict for these defendants, I anticipate a result, that will be satisfactory to the reflecting part of the community. It is for you to say, after exercising a cool, a dispassionate, and honest judgment, which I am sure you will do, upon all the facts and circumstances of this important cause, whether you think, whether you can conscientiously say, upon the oaths by which you are bound to pronounce your verdict, that the meeting, congregated under the circumstances which I shall not again repeat, could be deemed a legal meeting, or called for legitimate or legal purposes. If you think that these previous trainings, these previous drillings, these banners, the music, and all the other accompaniments of this immense assemblage, indicated and constituted nothing but an excitement to riot, to tumult, to insurrection, and revolution, then the meeting was clearly and

distinctly illegal. If it was called for the purpose, and no other purpose is yet disclosed, proved, or predicated, concerning it, than that developed in the resolutions of the Smithfield meeting, and afterwards announced in the placard of the 23d. July, it was most clearly an illegal meeting; and even should you be of opinion, which I cannot think that you will, that meeting was a legal meeting, was it I beseech you, assembled under such circumstances, as, in your judgment, were calculated to endanger the public peace, calculated to excite dismay, alarm, and apprehension, in the minds of the peaceable inhabitants of the town and neighbourhood of Manchester? If you think, in the language of Mr. Stanley, that no meeting convened under the auspices of Hunt and Carlile, met under their notice, and under circumstances which warrant the conclusion, that such men not only had control, but, a positive and absolute control, and power, and influence, over the assembly; if you think with him, that no meeting of that sort, so convened and so guided, could be other than dangerous, there is also an end of the question, and your verdict must be for the defendants.

Gentlemen of the Jury, this is a case of the deepest interest and importance to the defendants; it is one of unspeakable anxiety to myself; but feeling, nevertheless, as I trust I may, a firm conviction of the truth and justice of the defence, which I am sensible I have, at too great length, and very imperfectly, detailed to you, I cheerfully leave the case in your hands, and sit down in the fullest confidence, that I shall entitle myself to your verdict.

SATURDAY, APRIL 6, 1822.

Jonathan Andrew sworn : examined by Mr. Serjeant Cross.

Q. Mr. Andrew, I believe you was one of the Constables of the town of Manchester, on the 16th August, 1819 ?

A. Yes, I was.

Q. One of the two chief Constables ?

A. One of the two chief Constables.

Q. I believe the Police of the town of Manchester is under the direction of the Boroughreeve and two Chief Constables ?

A. It is.

Q. Before the 16th. August, had you any occasion to be alarmed ?

A. I had repeatedly ; and more particularly on the preparations for the 16th.

Q. Was that populous district in a peaceable or disturbed state, prior to the 16th ?

A. It was in a very disorderly state.

Q. Did it employ much of your time and attention ?

A. The greatest part of my time was devoted to it.

Q. And that of your brother officers ?

A. The greatest part of the time and attention of the Boroughreeve and the other Constables, Mr. Moore and Mr. Nadin, and myself.

Q. Was that the case also with the Magistrates of the district ?

A. Their time, was a great deal of it, devoted to the state the country was then in.

Q. What length of time prior to the 16th. August ?

A. During the greatest part of the year 1819, after I was in office : immediately after I came into office, we were in that state.

Q. Had you, in consequence, frequent intercourse and communication with the Magistrates, on the subject ?

A. Yes.

Q. Did the Magistrates of the two counties, Cheshire and Lancashire, assemble ?

A. Frequently. That part of the country in which I resided, I found in a very disorderly state ; so much so as to cause me to send my wife and family to Liverpool for safety, to be out of the way, a month previous to the 16th. August.

Q. I think you have already said you was frequently present with the Magistrates of the two counties—frequently at their meetings ?

A. I was.

Q. You would, of course, communicate to them, from time to time, the state of the district ?

A. I did.

Q. Had you any motive whatever but the public safety, for your frequent communications with them ?

A. Nothing more.

Q. I believe you had occasion to expect a public meeting at Manchester on the 9th. August ?

A. We expected a public meeting on the 9th. August.

Q. Were papers such as that, (shewing a placard) posted about the town of Manchester and its neighbourhood ?

A. They were ; a great number of them.

Q. Did it allay or increase your apprehensions, when you found that Mr. Hunt and Mr. Carlile were to take the lead on that occasion ?

A. It added much to my apprehensions for the safety of the town and neighbourhood.

Q. Had Mr. Hunt been at Manchester before, while you was in office, during your year ?

A. He had.

Q. How long before ?

A. I believe he was in Manchester in July.

Q. Did you see him—in January, was he there ?

A. I cannot swear that I saw him ; my recollection will not serve me whether I saw him or not. I can say that I saw him in Manchester previous to the 16th. August, but the day I cannot recollect.

Q. Was the place more quiet or disorderly, when he honored it with his presence ?

A. It was generally more disorderly when he made his appearance in the town.

Q. You reside at a place called Hendham Hall ?

A. I do.

Q. That is a short distance from the town of Manchester ?

A. Two miles from the town of Manchester.

Q. This 16th. of August was on Monday, we understand ; did any thing particular occur in your neighbourhood on Saturday night or Sunday morning ?

A. On Saturday the 14th. late at night, or Sunday morning, the 15th., I was awake, when in bed, by a tremendous shouting in the public road.

Q. About what hour was that ?

A. Between the hours of one and two on Sunday morning.

Q. What distance is your house from the public road ?

A. About 150 yards, I should suppose.

Q. Did you get up ?

A. I got up out of bed.

Q. Have the goodness to state what you then observed—did you go to the road ?

A. I got out of bed, and went to the road, placed myself in my plantation near to the road ; there I perceived about thirty or forty people in line on the footpath. I heard one of the men —

Mr. Blackburne.—I must object to that:—indeed I should object to the whole of his evidence, the plaintiff not being present.

Mr. Justice Holroyd.—The question is, what things were going forward in the town of Manchester, previously to this meeting of the 16th., what was the information on which the Magistrates

acted, and what was the state of the town and its immediate neighbourhood.

Mr. Blackburne.—I submit the question here is, whether the defendants can justify the assault they have committed. We have been precluded from giving evidence, unless we first prove that the defendants were present; we had as much interest in shewing that the acts of the defendants were illegal, as my learned Friend has in proving that the acts of other people were illegal.

Mr. Justice Holroyd.—The first issue upon the record is, whether the defendants are guilty of the trespass; the other issue is, whether there was a riot, or whether there was a conspiracy, and a meeting held for the purpose of bringing the government and constitution into contempt; and also whether there was an unlawful meeting, to the great terror and danger of the inhabitants of the town of Manchester; these are all put in issue, these are things to be proved or disproved. The proof I stopped you in, had reference to those acts which were subsequent to the acts of the Magistrates in granting the warrant, or the officers going up to the hustings; you was enquiring as to the acts of particular individuals.

Mr. Evans.—I submit that the only ground upon which this evidence can be admitted would be, that it went to prove a conspiracy, to which the plaintiff was a party. It is alleged that he was a party in every act of the conspiracy; and if it was not so alleged there could be no justification. It is only upon the ground that the plaintiff is a conspirator, that the evidence offered can be admissible. Now we charge that the four defendants, acting together with other persons, did assault the plaintiff:—are we to be precluded from giving evidence of other persons acting with them, and are they to be allowed to give evidence of the conduct of those with whom we had no actual participation?

Mr. Justice Holroyd.—The present point is whether this is evidence.

Mr. Evans.—I wish to press it upon your Lordship's attention. I urge the objection with more confidence, because it is founded upon your Lordship's decision. It would be new to me to be told

that I am not to state your Lordship's decision; I rely on your Lordship's decision; I submit we are entitled to give every act of the defendants, on the day of the meeting, in evidence. The ground upon which they rest their defence, is by proving a conspiracy against the government by other persons, and that the plaintiff was acting in furtherance of it. Then why were we not, upon the same principle, allowed to give evidence of the conduct of those who were acting with the defendants. I submit, as our evidence was not admitted, the evidence offered on the part of the defendants ought, equally, to be rejected.

Mr. Justice Holroyd.—I am clearly of opinion it is evidence as to part of the fact put in issue. One of the issues is, whether a certain unlawful, wicked, and seditious conspiracy, had not been entered into to excite discontent and disaffection in the minds of the people, and hatred and contempt of the government and constitution. There are other pleas, stating unlawful meetings. I am therefore of opinion, that stating the things which were done in Manchester and the neighbourhood, with a view to shew that there were such unlawful meetings, and that there did exist such a conspiracy, is clearly evidence, which, by the law of the land, I am bound to hear.

Q. You was stating that you saw about forty people in line on the foot-path?

A. Yes.—I saw thirty or forty people in a line on the foot-path, on arriving at my plantation.

Q. Did you expose yourself to their view, or did you remain concealed?

A. I was going to state, that when I arrived at the plantation, I heard some person call out, "Where is Serjeant Robinson?" Some one answered, "He is here." The number of people then collected, immediately marched off.

Q. Did you hear any expressions from which you understood they were going towards a place called White Moss?

A. I did.—My house is on the new Rochdale road, the north-east road, the Rochdale and Middleton road, and it is the public road to White Moss from Manchester.

Q. They then passed in the direction from Manchester ?

A. In the direction from Manchester towards White Moss. I called upon my gardener, whose cottage adjoined the plantation, and I desired him to follow the party to White Moss.

Mr. Blackburne.—Does your Lordship think that is evidence, what he told his gardener to do ?

Mr. Justice Holroyd.—He may give evidence that he desired his gardener to do something—that he ordered him to follow them.

Q. Before you proceed, state the distance to White Moss ?

A. The distance to White Moss from my house, I suppose, is a mile and a half.

Q. What else did you observe in the course of the night ?

A. On the return of numerous parties ——

Q. Before we come to the return, let me ask you, did you see any other parties going ?

A. I saw another division of about the same number, halt near to the same place as the former, and they immediately gave three shouts. There were straggling parties of three, four, six, eight, ten, in companies ; I saw them proceeding on for some time towards White Moss : I remained in the plantation upwards of two hours.

Q. Well, Sir, did you retire to rest ?

A. I went home. On the return of great numbers of people on Sunday morning they were in a very disorderly state.

Q. At what time ?

A. Between eight and ten o'clock.

Q. Describe, if you please, in what circumstances of disorder ?

A. In a very disorderly state ; many people drunk, a great many indeed.

Q. Did they go singly or in bodies ?

A. The thirty or forty were in a body.

Q. But as they returned ?

A. As they returned, they were in straggling parties ; and on my going to church, about ten o'clock, I perceived, at the outskirts of the town, the principal part of the way, a great number of

lamps were broken, which I did not see had been broken on the night before.

Q. Did you communicate this circumstance to the Magistrates?

A. I did.

Q. On the Monday morning or before?

A. I cannot say, positively, whether it was not on Sunday.

Q. You think it was on Sunday?

A. Yes.

Q. Did you, at any other time, see any people together moving under word of command?

A. On my way home, some short time previous to the 16th. August, I saw from about twenty to twenty five men in the public high road drilling: I saw them form in sections, and separate in half, and then advance in line, and then proceed home.

Q. You did not interfere with the people, who you saw on the Sunday morning making a noise and disturbance?

A. I did not.

Q. Why did you not?

A. I consider I should have been ill used.

Q. Was you afraid?

A. I was afraid, certainly, in the state they were in.

Q. From what you saw of their conduct, did you consider you could do it with personal safety or with effect?

A. I did not; I was alone.

Q. From all then you knew at the time, of the state of the country, did you consider it consistent with the public safety, that such a meeting should be held as appeared on Monday morning?

A. I certainly considered it dangerous to the public safety.

Q. Do you think it was less dangerous because they came from a distance, marching in regular order?

A. I conceived it contributed more to the danger.

Q. I believe you was at the meeting?

A. I was.

Q. What took you there?

A. I was ordered by the Magistrates, in conjunction with my colleague, Mr. Moore, and the Boroughreeve—

Q. The Boroughreeve, yourself and your colleague?

A. Yes; to form a line of special constables from the Magistrates' house to the hustings.

Q. Had any special constables been appointed?

A. A great number of special constables were sworn in at the time, additional special constables.

Q. And any shortly before?

A. Yes.

Q. What description of persons were selected for that purpose—were they householders?

A. Householders, and as respectable as we could get them.

Q. Were they among the principal inhabitants of the place?

A. Part of the principal inhabitants.

Q. You was ordered by the Magistrates to form a line of these constables?

A. We formed a line of special constables from the Magistrates' house to the hustings.

Q. A double line?

A. A double line.

Q. About what number of persons, to the best of your recollection?

A. It might be three hundred.

Q. Did you consider that number necessary for the preservation of the public peace?

A. I did. I conceived the number inadequate, at the time.

Q. A double line was it you formed?

A. A double line was formed.

Q. To what they call the hustings?

A. Up to a cart with boards upon it.

Q. Did the line of special constables extend quite up to the hustings?

A. I think it did.

Q. What was the purpose for which you placed the line of special constables?

A. In order that we might hear the orators, and convey the information to the Magistrates.

Q. To keep up the communication ?

A. To keep up the communication.

Q. At one end of the line, I believe, the Magistrates were assembled ?

A. At Mr. Buxton's house.

Q. Previous to that, I believe, the Magistrates used to hold their meetings at the Star Inn ?

A. Frequently.

Q. How many of the Magistrates were present ?

A. The Manchester Magistrates were there.

Q. Where ?

A. At Mr. Buxton's.

Q. Who were they ?

A. I saw Mr. Ethelston.

Q. The Bolton Magistrates ?

A. I saw Colonel Fletcher also.

Q. Any one of the Stockport Magistrates ?

A. I saw Mr. Tatton and Mr. Trafford. Mr. Tatton is a Magistrate for Stockport.

Q. Acting there ?

A. I have seen him acting for Stockport.

Q. Acting there, with Mr. Trafford ?

A. They are both Cheshire Magistrates.

Q. They act for both counties ?

A. Stockport is in Cheshire, just on the borders of Lancashire.

Q. Did any of the Magistrates, prior to the meeting, come and reside there ?

A. I saw Mr. Tatton and Mr. Trafford frequently come over and remain at the Star Inn.

Q. Their residence being in Cheshire ?

A. Their residence being in Cheshire.

Q. And did you see Mr. Hulton, of Hulton ?

A. I have seen him also.

Q. He lives about ten or twelve miles from Manchester ?

A. About ten or twelve miles, on the way to Wigan.

Q. These gentlemen were not in the habit of acting as Magistrates, except on this occasion ?

A. I had not seen them frequently before.

Q. They have not generally acted, but only on this extraordinary occasion ?

A. Only on this extraordinary occasion.

Q. For what length of time do you think you could have been in communication with the Magistrates ?

A. The greatest part of the time from October to August.

Q. That will be the greatest part of a year ?

A. I believe I came into office in October, in the preceding year, and had been in office nine or ten months.

Q. You had the Magistrates at one extremity of the line of special constables, and the hustings at the other ?

A. Yes.

Q. Was there any interruption of the communication afterwards ?

A. After the special constables formed near the hustings, I saw the hustings were removed, and the constables were separated from the hustings.

Q. Were they removed further from the line of constables ?

A. Yes ; further from the special constables.

Q. Was that further from where the Magistrates met ?

A. Further from where the Magistrates met ; I should suppose six or eight yards.

Q. How was the intermediate space occupied ?

A. By the people who had assembled.

Q. Was the communication from thenceforth cut off ?

A. It was.

Q. Were the hustings then accessible, on that side, by any individual ?

A. They were not.

Q. Was any attempt made to re-open the communication ?

A. I am not aware of it : there might have been, but I was so frequently in the Magistrates' room, I did not see it.

Q. Was the communication cut off slowly or suddenly?

A. The communication was rapidly cut off—instantaneously.

Q. Done in an instant?

A. In an instant.

Q. About what hour did that occurrence take place?

A. A little after twelve o'clock.

Q. Did you see any of the bodies from the country arrive on the field?

A. I saw great numbers arrive upon the field.

Q. Had they drums beating, any of them?

A. Yes; mostly with drums beating, colours flying, caps of liberty, and other emblems.

Q. In what manner did they take their stations?

A. They took their stations in different ways, as they arrived on the ground.

Q. Have you ever seen regiments take their ground at reviews?

A. Yes.

Q. Did they come in a straggling manner, or a more orderly way?

A. They generally came in large numbers or divisions.

Q. Did they move in regular order, or march straggling on the ground?

A. Regularly; I saw the divisions of Moseley and Lees particularly.

Q. Taking that body as an instance, have the goodness to say how they came on the ground?

A. They marched on the ground, a number with sticks on their left shoulders.

Q. What kind of sticks?

A. Different descriptions of sticks, different sizes; some larger and some smaller than others.

Q. Did they appear to you to be such as are in ordinary use as walking sticks?

A. Some certainly did not appear as if they were for the purpose of walking.

Q. Were they larger or smaller ?

A. Larger, generally, than what are usually carried as walking sticks, as far as I am able to judge.

Q. As they came upon the ground, what occurred ?

A. As they came on the ground, each division was received with a tremendous shouting.

Q. Did that happen frequently ?

A. Frequently, and more particularly on Mr. Hunt's arrival : the greatest part of the people had assembled previous to his arrival. The chair was to have been taken at twelve o'clock, as I understood from the advertisement.

Q. I need hardly ask you whether, in the whole course of your life, you ever saw so great an assemblage ?

A. I never saw so great an assemblage before, except at the Kersall Moor races.

Q. I suppose that is not the way the company go to races, with colours flying, and in bodies of eight or ten thousand ?

A. No, Sir ; not at all.

Q. You say, that before the meeting took place, you was alarmed for the public safety ; were your alarms increased or diminished when you saw the meeting ?

A. My alarm was rather increased when I saw the meeting.

Q. In your judgment, was it consistent with the public safety, that they should remain congregated together ?

A. I considered it very unsafe.

Q. You kept up a continual communication with the Magistrates ?

A. I did.

Q. At what time had they assembled ?

A. At an early hour. I had other duties to perform.

Q. Were you able to attend to any other business ?

A. For some time previous to the 16th. August, my time was necessarily devoted to the duties of the office, for the care of the public peace.

Q. Was that the case with your colleague, Mr. Moore.

A. Yes.

Q. And the Boroughreeve ?

A. And the Boroughreeve also.

Q. I believe there was a committee of the principal inhabitants who assisted you ?

A. Yes. They formed a committee of the principal inhabitants to assist us.

Q. Did they meet frequently ?

A. Frequently ; and had it not been for their assistance, we could not have got through our business.

Q. Upon the arrival of the performers on the stage, did you receive any order from the Magistrates about messengers ?

A. Yes, I did.

Q. What was it ?

A. I received an order from the Magistrates to get two messengers on horseback, to carry any message or orders they might have occasion to give.

Q. Were you desired by the Magistrates to execute any warrant for them ?

A. I was.

Q. Was that by the Chairman of the Magistrates ?

A. By Mr. Hulton.

Q. Is that the warrant ? (producing it.)

A. I believe it is the same ; it has not been in my possession since that time.

Q. When you was desired to execute the warrant, what answer did you make ?

A. When Mr. Hulton stated that the warrant was to be executed—

Mr. Blackburne.—I must object to his giving evidence of what directions he received.

Mr. Serjeant Cross.—Why, I am surprised at the objection. It is an order of a Magistrate. Suppose he says, it was impossible to execute it ?

Mr. Justice Holroyd.—I am of opinion the evidence is admissible.

Witness.—I informed Mr. Hulton, that I considered it would be

impracticable, seeing what I had previously seen, and knowing the disorderly state of the country.

Q. Was the communication from the hustings at that time cut off?

A. It was; I had frequently been insulted.

Q. To the best of your judgment, could you have executed it?

A. I stated to Mr. Hulton, that I considered it would be impossible to execute the warrant without military assistance.

Q. I ask you, upon your oath, Mr. Andrew, whether that was your conscientious opinion at the moment?

A. It was.

Q. Do you think it could have been done with effect, or with safety to the lives of the constables and peace officers?

A. I do not; I should have thought it an act of madness to have attempted it.

Q. In short, did you refuse?

A. I refused to execute it, without military assistance.

Q. In consequence of that, was any assistance sent for?

A. It was—Mr. Hulton gave me a letter, addressed to the commanding officer of the Yeomanry Cavalry, and another to the commanding officer of the 15th. Hussars.

Q. To the commanding officer?

A. To the commanding officer.

Q. Well, I believe you sent one of your mounted messengers with these?

A. Yes; Mr. Thomas Withington, who was in the Magistrates' room, took one, and Mr. Joseph Birley, the other.

Q. The Yeomanry, we understand, came first.

A. They did.

Q. Upon their arrival, did you explain to the commanding officer what you wanted?

A. I went up to Captain Birley, now Major Birley.

Q. Did you tell him what you wanted?

A. I stated that we had a warrant.

Q. What did you desire him to do?

A. I desired him to surround the hustings, in order that we might take the orators off the stage.

- Q. The persons against whom you had the warrant.
- A. The parties against whom we had the warrant.
- Q. Did you set off together ?
- A. We set off together ; I advanced before him.
- Q. Between the double row of constables ?
- A. On the right of the constables.
- Q. What other peace officers accompanied you ?
- A. Mr. Moore, and I think, Mr. Nadin, the deputy constable.
- Q. Mr. Moore, and you think Mr. Nadin, the deputy constable ?
- A. Yes.
- Q. Did you keep in advance of the Yeomanry as long as you could ?
- A. I did.
- Q. Did you walk, you and the other peace officers ?
- A. I believe I did.
- Q. You was not mounted ?
- A. I was not mounted on horseback.
- Q. What prevented you from keeping in advance the whole way ?
- A. The interruption of the people.
- Q. Your object would be to gain the hustings, if possible ?
- A. As soon as I could.
- Q. What did you do when you found yourself obstructed ?
- A. The Yeomanry passed me, and I got to the hustings as soon as I could.
- Q. Did they open the way before you to the hustings ?—Did you keep up with the Yeomanry ?
- A. I kept up with the Yeomanry, as close as I possibly could.
- Q. I believe that then Hunt and Johnson were taken in custody ?
- A. They were ; I took Johnson myself to the Magistrates' room.
- Q. Johnson, the brush-maker ?
- A. Johnson, the brush-maker.
- Q. These were the prisoners you attended to ?
- A. These were the prisoners I attended to.
- Q. Others were taken ?
- A. Others were taken.
- Q. Your attention, I suppose, was occupied with the prisoners ?

A. My attention was wholly occupied with the prisoners.

Cross-examined by Mr. Blackburne.

Q. You saw the placard posted about Manchester previous to the 9th., the placard just shewn to you?

A. I did, Sir.

Q. This very placard?

A. I saw a placard of that description.

Q. You know the Magistrates forbade that meeting, because it was considered illegal?

A. They did.

Q. And on that day no meeting took place?

A. Not that I saw.

Q. Was you afterwards requested to convene a meeting for the 16th.?

A. I cannot immediately recollect whether we were requested to convene a meeting for the 16th., but we had a requisition for the 9th.; I do not recollect whether we had for the meeting of the 16th.

Q. Do you recollect?

A. I do not recollect.

Q. Will you just look at that, and tell me whether you saw any thing of that kind posted up about Manchester? (shewing a printed paper to the witness.)

A. I do not recollect seeing any thing of that kind posted on the walls; I have seen no paper of that kind.

Q. Had you seen an advertisement of that kind in a newspaper, before the 16th. August?

A. I had seen it before the 16th.

Mr. Serjeant Hullock.—In a newspaper?

A. In the Observer newspaper.

Q. You have told us that this meeting, under the direction of Mr. Hunt and Mr. Carlile, would be formidable. When was the first time you heard of Mr. Carlile's being there; tell us when, if you please?

A. Previously to the meeting of the 16th. August, I was frequently informed that Carlile would be there. I do not personally know Carlile.

Q. Then you knew before the 16th. that Carlile was to be there, or you had been so informed?

A. Yes.

Q. Did you communicate that to the Magistrates?

A. I might have done so, and it is very likely I did.

Q. You have told us that you live about two miles from Manchester; what is the name of the village?

A. It is not in a village, it is in the township of Manchester; it is no great distance; it is not much inhabited for a mile and a half from my house.

Q. You have been examined upon this subject before?

A. I have.

Q. Did you then state one word of what you have now told us, of the observations you made from your plantation? Were you examined on this subject in a court of justice?

A. I was examined, previous to my deposition at York, at the Star Inn.

Q. At York did you state one word of that?

A. I did not in the court. I stated it to the solicitor. Part of the evidence I have given to day, I stated at York.

Q. This about the divisions you saw from your plantation, the broken lamps, and the drunkenness, you did not state?

A. Not in my examination at York. I have not seen my examination since it was taken.

Q. When you was examined at York, was Carlile one of the defendants.

Mr. Serjeant Cross.—Who the defendants were, the record will shew.

Q. You say there was a meeting of the Cheshire and Lancashire Magistrates?

A. There was.

Q. And that among the Magistrates were Mr. Tatton and Mr. Trafford. Was that the Mr. Trafford who was then the Major of the Yeomanry Cavalry?

A. No.

Q. On the 16th. August, who commanded the Manchester Yeomanry?

A. Major Trafford.

Q. Did he go to the hustings?

A. I do not recollect that he did.

Q. Who commanded then?

A. Major Birley; then Captain Birley.

Q. He was the person who took the command from Mr. Buxton's house to the hustings?

A. I did not see Major Trafford, and I do not know what orders he gave; I only saw Major Birley at the time going to the hustings.

Q. At the time you went to the hustings, were not the special constables drawn back to Mr. Buxton's house?

A. They were not drawn back to Mr. Buxton's house, they might have gone a little way.

Q. They were not drawn back; that you swear?

A. I do swear.

Q. When you first went on to the ground there was only one cart on which the people were standing?

A. I cannot be certain.

Q. Did you see another come afterwards, with boards on it?

A. I did not see any come on the ground.

Q. Did you see when the communication between the Constables and hustings was broke?

A. I did.

Q. Was not that at the time the second cart came on the ground?

A. I saw no second cart; I saw the Constables separated from the hustings, but whether there was more than one cart I cannot speak to.

Q. Was there not one came ultimately?

A. I cannot speak as to that.

Q. You do not know whether there was one or two?

A. I know there was one, but whether there were more or not, I cannot tell.

Q. You saw, you say, a great number of the people arrive on the ground?

A. I did.

Q. They had music, and colours flying?

A. They had.

Q. Was you at the celebration of the Coronation in Manchester?

A. I was.

Q. I believe they had music and colours there?

A. Certainly.

Q. And there were a great multitude of people?

A. There were a number of people.

Q. A great number?

A. A great number.

Q. A very great number; the streets were filled?

A. The streets were not wholly filled, but there were a great number.

Q. Did they march or walk?

A. They walked.

Q. Only a different walk from that of the people who came into Peter's field?

A. Very different; I conceived so.

Q. You say that after you saw the people from your plantation, you observed great disorder the next morning, and that the people were drunk?

A. That was on the Sunday morning.

Q. Do you mean in your village?

A. Not in my village; on the road leading to Manchester.

Q. There would be some few drunken people at the Coronation?

A. There might be.

Q. You did not see them?

A. To say that I did not see men drunk, is what I will not say.

Q. You say that Mr. Hulton gave the warrant to you?

A. I did not say so; I was present when the warrant was given, I saw it given.

Q. Then it was not delivered to you, but you saw it given?

A. I saw the warrant when it was presented to Mr. Moore or Mr. Nadin; to one of them, I am positive.

Q. You say there were three hundred constables formed the line?

A. I conceived so.

Q. There were more Constables in the field?

A. I do not conceive there were many more; the great body of the Constables were round the hustings.

Re-examined by Mr. Serjeant Cross.

Q. My Friend has put a paper in your hand, which you say you saw before the 16th.; and he has asked whether you were not apprized that Hunt and Carlile were expected. Did not that paper apprise you Mr. Hunt would be in the chair, and that Carlile was expected?

The learned Serjeant here read the following extract from the advertisement of the meeting "Major Cartwright, Mr. Wooller, Mr. Pearson, Mr. Carlile, Dr. Crompton, Edward Rushton, Mr. J. Smith, Mr. Thomas Smith will be invited to attend this meeting."

A. All this was before the 16th. August.

Q. And these were persons likely to keep the public peace, or assist you in so doing?

A. I did not consider them of that description.

Q. You agree with Mr. Stanley then, that any mob under their control might be dangerous?

A. Any mob under the control of Hunt and Carlile, I should certainly consider dangerous.

Q. You was asked whether you had been applied to to convene this meeting; did you consider it your duty to convene a meeting of the people of Bolton, Royton, Rochdale, Lees, Liverpool and London—for we had people from all these places?

A. No.

Q. To invite the reporters of the London journals; was that your duty?

A. Not at all.

Q. Or to invite Carlile, Hunt, Wooller, and the rest of them?

A. Certainly not.

Q. Did you expect any thing but public disorder could result from such a proceeding?

A. I apprehend not; from such a proceeding and concourse of people as were likely to attend.

Q. Was any thing but mischief and danger, likely to attend such a meeting ?

A. Certainly not.

Q. In short, did you consider it to be your duty to do more than to invite the inhabitants of your own township to a public meeting ?

A. Certainly not; only the people in the township.

Q. The inhabitants of your own township ?

A. The township of Manchester alone.

Q. The inhabitants of Manchester alone, were in your province ?

Q. Within my province, and no further.

Q. Has it ever been usual, with the people of Manchester, to invite itinerant orators to come and take part of their deliberations ?

A. Never.

Q. Or has it ever been usual to invite a stranger, at a distance, to come and preside there ?

A. Certainly not.

Q. Who was usually invited to take the chair, at your town meetings ?

A. The Boroughreeve.

Q. You have been asked about Mr. Trafford, whether he is the same who commanded the Yeomanry ; is he not the Chairman of the Quarter Sessions at Chester ?

A. One of them.

Q. And Mr. Hay, Chairman of the Quarter Sessions for the Hundred of Salford, was there also ?

A. He was.

Q. You have been asked about the assembly to celebrate the Coronation, and you say you had flags and music ; had you an inscription of " Equal representation or death " ?

A. No such thing.

Q. Any caps of liberty ?

A. No ; the colours I alluded to were chiefly emblems of different trades.

Q. What is understood by the cap of liberty there ?

Mr. Blackburne.—This is really too much ; to ask him what is understood.

Mr. Serjeant Cross.—If it is a badge of sedition.

Mr. Blackburne.—You are not, Mr. Serjeant Cross, to give evidence yourself.

Q. Was there any inscription of no “ Corn Laws ” ?

A. No such inscription.

Q. “ Better to die like men, than be sold like slaves ” ; you carried that to the coronation ?

A. No such inscription.

Q. Did you invite any of these entertaining public orators to keep good humour among you ?

A. Never.

Q. Did you know any of these signatures ; Mr. Norris, Mr. Wright, Mr. Hay, Mr. Silvester, Mr. Ethelston ?

A. I have seen them.

Q. Were all the Magistrates whose signatures these are, present at the meeting at Mr. Buxton’s house ?

A. I know all the Magistrates in this paper were present at that time.

Mr. Cross, (the Prothonotary,) read the warrant, of which the following is a copy.

“ Lancashire to wit. To the Constables of the Township of Manchester, in the County of Lancaster, and also, to all other Constables and Peace Officers within the said County.

“ Whereas Richard Owen hath this day made oath before us, his Majesty’s Justices of the Peace in and for the said County of Lancaster, that Henry Hunt, John Knight, Joseph Johnson, and — Moorhouse, at this time, (now a quarter past one o’clock) have arrived in a car, at the area, near St. Peter’s Church, and that an immense mob is collected, and that he considers the town in danger, and the said parties moving thereto ; these are therefore, in his Majesty’s name to require you forthwith to take and bring before us or some other of his Majesty’s Justices of the Peace in and for the said County, the bodies of the said — Hunt, — Knight, —

Johnson, and ——— Moorhouse, to enter into recognizance, with sufficient sureties, as well for their personal appearance at the next general Sessions of Assizes, to be holden in and for the said County, then and there to do and receive, as by the said Court shall be enjoined, and also in the meantime to keep the peace towards his said Majesty and all his liege subjects.—Herein fail not. Given under our hands and seals the 16th. day of August in the year of our Lord one thousand eight hundred and nineteen.

(L. S.) Wm. Hulton,	J. Silvester, (L. S.)
(L. S.) W. R. Hay,	T. W. Tatton, (L. S.)
(L. S.) R. Wright,	W. Marriott, (L. S.)
(L. S.) Robt. Feilden,	J. Norris, (L. S.)
(L. S.) C. W. Ethelston,	Ra. Fletcher, (L. S.)"

Isaac Dobson sworn: examined by Mr. Littledale.

- Q. What are you ?
 A. A machine-maker.
 Q. Where do you live ?
 A. At Bolton.
 Q. Do you remember, at any time, going to Cockey Moor ?
 A. Yes.
 Q. How far is Cockey Moor from Bolton ?
 A. Five miles.
 Q. How far from Bury ?
 A. About two.
 Q. Did any body go with you there ?
 A. One person.
 Q. When you got there, where did you go to ?
 A. To Mr. Whitehead's.
 Q. Did you find any other person there ?
 A. I found others at Mr. Whitehead's house.
 Q. Do you remember what day ?
 A. The 7th. of August.
 Q. On a Saturday ?
 A. On a Saturday.
 Q. What time did you get there ?
 A. About six o'clock.

Q. In the evening?

A. In the evening.

Q. When you got there, did you see any other persons besides those at the house?

A. I did; at a distance.

Q. How many; as far as you can judge?

A. I should judge a hundred and fifty or two hundred.

Q. What were they doing?

A. When I first observed, there were a number of people coming in various directions, in various bodies.

Q. When they had met in a body, what did they do then—what were they doing?

A. They afterwards divided into separate bodies, and formed into line—in different lines.

Q. What then?

A. They began to march in different directions.

Q. Did you hear words of command given?

A. I did; many.

Q. What were they?

A. "March," "halt," "right about face," "stand at ease," and such words as are generally used by soldiers, when drilling recruits.

Q. Did the persons obey these words of command?

A. They did; and I thought they were very correct.

Q. How long did they continue?

A. Till it was dark; till I could not see them.

Q. How long would that be, according to your judgment?

A. I should think near ten o'clock.

Q. Do you know what became of them afterwards?

A. I do not know what became of them afterwards.

Q. Did you and your friend leave Mr. Whitehead's?

A. We did, and went over the ground; they were gone; it was nearly dark.

Q. You went home?

A. No; we went back to Mr. Whitehead's.

Cross-examined by Mr. Evans.

Q. Where were you concealed?

A. In Mr. Whitehead's house.

Q. Had that house a full view ?

A. Quite ; we could see the ground where they were drilling.

Q. They began about half past six, and were gone by ten ?

A. Thereabouts ; near seven.

Q. Did you steal into the house in any way ?

A. No ; I went openly.

Robert Dean sworn : examined by Mr. Starkie.

Q. Are you in the army now ?

A. I am upon half pay.

Q. You have been for some years in the army ?

A. I have.

Q. Did you go to Mr. Whitehead's house ?

A. I did.

Q. On what day ?

A. It was on the 7th., Saturday week before the 16th. .

Q. There is a moor adjoining Mr. Whitehead's house ?

A. There is.

Q. What time did you see any number of persons assembled ?

A. I was there about half past five ; they were then mustering.

Q. What number of persons might be assembled ?

A. When collected, there might be from 200 to 300.

Q. Were they, at first, in one body, or separate ?

A. They were drilling in squads.

Q. What number of squads ?

A. From half a dozen to eight.

Q. You say they were drilling in squads—was there a person commanding them ?

A. There was.

Q. You have been a military man some time, of course you know the way in which persons are drilled ?

A. I do.

Q. Are they usually drilled in squads ?

A. Yes.

Q. Regular soldiers ?

A. Yes.

Q. Without going through all this, did they appear to you to be drilled in the same way as regular soldiers usually are?

A. The same.

Q. What words were given?

A. "Attention," "stand at ease," "halt," "march."

Q. Such words are usually given in drilling?

A. Yes; and another word I could not make out; but when it was given, they all fell flat on their faces.

Q. How long did they remain?

A. A few seconds.

Q. Laying flat?

A. Yes.

Q. Then, after they lay flat a few seconds, what did they do?

A. The word was given again, and they rose; I do not recollect the word.

Q. Did they all rise at this word?

A. They did.

Q. In regular order?

A. They did.

Q. As a military man, will you explain the meaning of that manœuvre?

A. I cannot explain the meaning of that manœuvre; it was some thing new to me.

Q. How long did they remain together?

A. Till dark; till I could see them no longer.

Q. Did you hear them after that time?

A. I could hear them after I could no longer see them.

Q. How long did you continue to hear them?

A. I fancy it might be half-past nine o'clock, or thereabouts.

Juryman.—Are you acquainted with light infantry manœuvres?

A. I am not.

Mr. Serjeant Hullock.—Was you in the house?

A. I was.

John Tetlow sworn: examined by Mr. Serjeant Hullock.

Q. Where do you live?

A. At Stake Hill.

Q. Are you a weaver?

A. Yes.

Q. Do you know a place called Tandle Hill?

A. Very well.

Q. How far is Tandle Hill from your residence?

A. About half a mile.

Q. Did you live at Stake Hill between July and August, 1819?

A. I did.

Q. Do you remember the day of the meeting at Manchester?

A. I do.

Q. Before that time, do you remember being at Tandle Hill when any drilling was going on?

A. Very well.

Q. Were you there oftener than once?

A. Five or six times.

Q. On what days were you there; and at what time; were they Sundays?

A. Sundays.

Q. All Sundays?

A. All Sundays.

Q. At what part of the day was it—morning?

A. Morning.

Q. At what hour might you go?

A. Between five and six.

Q. What is Tandle Hill—is it common or waste ground?

A. It is an uninclosed land; untilled land.

Q. What number might there be besides yourself?

A. About five hundred or six hundred.

Q. Was that the number each time?

A. Sometimes less.

Q. Were there, at any time, more?

A. I cannot justly say.

Q. In what way were the people who were there more or less employed, while they continued there?

A. They were marching.

Q. Marching in one body, or different parties ?

A. Marching in different parties.

Q. What number might each party contain ?

A. Between twenty and thirty.

Q. Were any words or orders given to each party ?

A. There were.

Q. Do you know any of the persons by whom such orders were given ?

A. I do.

Q. Were they given by men who had been in the army before that time ?

A. I cannot justly say.

Q. Were the different bodies ever put together in one body ?

A. In line.

Q. Was there any body had the command of the whole line ?

A. Yes ; a man gave the word.

Q. Do you know his name ?

A. Yes.

Q. Who was he ?

A. Samuel Bamford.

Q. When Samuel Bamford gave the word, did the whole line obey him ?

A. Yes ; they all moved.

Q. What was the word or words you heard Bamford give, when the party were in one line ?

A. " March."

Q. Did they do so ?

A. Yes.

Q. When they stopped or ceased to march, what word was given ?

A. " Halt."

Q. State such words as you remember hearing Bamford give ?

A. No ; I cannot.

Q. You know a man of the name of Redford, do you ?

A. Yes.

Q. Thomas Redford, the hatter ?

A. Yes.

Q. Is he a journeyman hatter ?

A. Yes.

Q. He resides in a cellar at Middleton ?

A. Yes ; he lives in a cellar at Middleton.

Q. How long have you known Redford ; did you know him previously to the time you are speaking of ?

A. For about ten or a dozen years.

Q. Did you ever see Thomas Redford at Tandle Hill ?

A. I did.

Q. When Bamford was there ?

A. Yes.

Q. What was Redford doing ?

A. He was marching along with the others.

Q. Did you ever see him marching in this great line, when all the squads were put together ?

A. Yes, I did.

Q. Did you ever see him in any of the subdivisions ?

A. I did.

Q. Did you see him when the word was given ; did he obey the word as the others did ?

A. He did.

Q. How often can you speak to having seen Redford marching, in the way you have described, on the Tandle Hill ?

A. On the 1st. and on the 8th. of August.

Q. Can you say whether he was there at any other time ?

A. I cannot justly say.

Q. Do you remember the meeting at Manchester, on the 16th. ?

A. I was not there.

Q. You remember that a meeting took place ?

A. Yes.

Q. Did you see the people setting off from Middleton that day ?

A. I did not.

Q. Was the 8th. of August the last time you had seen him before the meeting of the 16th. ?

A. I saw him on the 8th.

Q. Was the 8th. the last time?

A. Yes.

Q. How soon after the meeting was it you saw Redford?

A. I think nearly three months.

Q. In what state as to health did he appear to be at that time?

A. I cannot say.

Q. Did he look as well as you ever saw him in your life?

A. I cannot say to that.

Q. You saw nothing that ailed him?

A. Not at all.

Q. What occasioned your visits to Tandle Hill—curiosity?

A. Yes.

Q. Had you ever any conversation with Redford while you was there?

A. No.

Q. Did any other persons notice you at any time?

A. They did.

Q. The last time you was there?

A. I think it was the first.

Q. They had some conversation about your attendance?

A. They had.

Cross-examined by Mr. Blackburne.

Q. How far is Stake Hill from Middleton?

A. They call it two miles.

Q. Have you a family?

A. I have.

Q. Will you tell me where the doctor comes from, when you are ill?

A. I never have any, I never am ill.

Q. You knew Dr. Lee of Middleton?

A. I cannot say but what I did.

Q. How long is it since he died?

A. I cannot justly say.

Q. Is it a year since?

A. More than that.

Q. Two years?

A. I cannot say; he left Middleton and went to Manchester.

Q. And he is since dead?

A. I believe he is.

Q. Is Dr. Lee's son dead since that?

A. I believe he is dead.

Q. You went from curiosity to these Tandle Hills?

A. Yes.

Q. What time of the day used you to go there?

A. Between five and six.

Q. Is there any high road from and to there?

A. To Stake Hill—to High Crompton.

Q. How long did you stay?

A. Till nine o'clock.

Q. Two or three hours. Was you the only spectator?

A. I cannot say for that.

Q. Other people besides you were looking on?

A. Plenty.

Q. You was never drilled, you was not taught to march?

A. No.

Q. Why, you have seen this marching about the high road?

A. I cannot say I have.

Re-examined by Mr. Serjeant Hullock.

Q. Were you an acquaintance of the doctor at Middleton?

A. No.

Q. Did you ever see him but once?

A. Yes; two or three times.

Q. But you never had the advantage of his assistance?

A. No.

Q. Where did he live?

A. At Middleton.

Q. Is his widow alive?

A. The old man's—yes; his widow is alive.

Q. And she lives at Middleton?

A. She does.

Mr. Serjeant Hullock.—She could tell whether her husband was alive or not.

Abraham Milne sworn : examined by Mr. Serjeant Cross.

Q. Mr. Milne you are a manufacturer, living near Oldham, I understand?

A. I am.

Q. Were you at Tandle Hill at any time shortly before the 16th. August?

A. On the morning of the 8th. I was there.

Q. About what hour did you go there?

A. I set off about four o'clock.

Q. Four in the morning?

A. Yes.

Q. How far had you to go?

A. From two to three miles.

Q. About what time did you arrive there?

A. A little before five; I dare say it could not be five.

Q. What did you see when you got there?

A. There were a great number of people there, many in the act of training or drilling.

Q. To the best of your judgment, what number could you say there were?

A. I thought from 2,000 to 3,000.

Q. Was it on a Sunday morning?

A. On a Sunday morning.

Q. In what way were they drilling?

A. As regular soldiers.

Q. Were they in one or several bodies?

A. Several bodies of ten or twelve.

Q. How was each body employed?

A. They were marching.

Q. What else were they doing—was any body speaking to them?

A. Yes; the word was regularly given to them. There was a person to each company who gave the word.

Q. Did each move, as he gave the word?

A. As he gave the word.

Q. You have seen soldiers drilling?

A. I have.

Q. Was there any difference in the manner of soldiers drilling without arms?

A. It was exactly the same.

Q. How many did you compute there might be in each company?

A. I thought there might be from fifty to seventy in each company.

Q. Did you ever see the companies united into one?

A. Yes, I did; into one body.

Q. What happened when they were all in one body?

A. I was told——

Q. Relate what you saw.

A. It was in consequence of something I heard, I went to the place where they formed; that I went to another part of the ground.

Q. Was the person whom you heard say what occasioned you to go, one of those that were drilling?

A. No.

Q. When you went there, did you see any thing, or what did you see?

A. I saw them form in one body.

Q. In what form?

A. As a regular regiment.

Q. In a circle or line?

A. In one straight line.

Q. One, or two, or three deep, or how?

A. To the best of my knowledge, they were four deep.

Q. What did they do in that form?

A. I passed down the front of two or three companies, till they threatened to knock me down.

Q. Did you hear any word of command given while they were in line?

A. Not there, I did not; while they were in line together, I do not recollect any word.

Q. Did they move in line?

A. I did not see them move, then; they passed me afterwards in one body.

Q. In line or column?

A. They were marching in column.

Q. Then did they move about for some time in one body?

A. I was placed at the side of the road to see them go by in one body.

Q. Were they, at any time, in one body?

A. I waited till they came down.

Q. Did you, at that time, hear any words of command?

A. I heard many.

Q. What?

A. "Attention," "right face," "left face," "march," "quick march," many others.

Q. All the usual words you have heard among soldiers?

A. Most of them?

Q. Did they move their hands on any occasion?

A. Yes; when the word "fire" was given.

Q. What did they do?

A. They clapped their hands.

Q. How long did you remain?

A. I remained on Tandle Hill perhaps two hours, or a little more?

Q. I think you say that the whole column marched past you?

A. They did.

Q. Along the high road?

A. Along the high road leading from Manchester to Rosedale,

Q. Did you ever go again?

A. I went again, a second time, on the morning of the 15th.

Q. That was the day before the meeting?

A. The day before the Manchester meeting.

Q. About the same hour in the morning?

A. The same hour as near as I can recollect.

Q. Did you find the same operations going on that day?

A. Just the same as before; but there were not so many there.

Q. Any bugle on the 8th.?

A. There was.

Q. The bugle sounded and they formed one body?

A. The company marched away to formed one body, at the distance of half a mile.

Q. At the sound of the bugle?

A. At the sound of the bugle.

Q. Some of them had to move half a mile to form the body?

A. Some of them more.

Q. Did they form to the bugle?

A. I am not quite certain.

Q. You have been yourself in the Militia, and are acquainted with military movements?

A. In the Local Militia, but it is a long time ago.

Q. Did the man who gave the word of command to the companies, appear to be acquainted with the business?

V. He did.

Q. Each, or one?

A. Each commander of a company.

Q. You staid on that day, as you did on the former, till they quitted the field?

A. Yes.

Cross-examined by Mr. Evans.

Q. You have stated that there were ten or twelve bodies of from seventy to eighty each?

A. From sixty to seventy.

Q. And you stated that there were three or four thousand; then the rest were spectators?

A. The rest were spectators.

Q. You have already stated that they marched along the highway?

A. Along the highway.

James Heap sworn: examined by Mr. Littledale.

Q. I believe you are a farmer?

A. Yes.

Q. Where do you live?

A. Stake Hill, in Thornham.

Q. How far is that from Middleton, is it short of two miles?

A. Yes.

Q. Do you know John Tetlow?

A. Yes.

Q. Do you remember the meeting of the 16th. August?

A. Yes; I heard tell of it, but I was not there.

Q. Do you remember, prior to that time, any thing attracting your attention, by people passing your house?

A. Yes.

Q. When was the first time you saw any body?

A. Sometime in July, on a Sunday morning; I cannot exactly tell the time.

Q. What did you see?

A. I saw a party come up, consisting of four or five hundred; and one walking by their side.

Q. Do you know a person of the name of Bamford?

A. Yes.

Q. Was he walking by their side?

A. Yes.

Q. What was he doing?

A. I did not see him do any thing but walk by their side; he seemed to be the commander of them.

Q. You did not see him do any thing?

A. Only walk by their side to Tandle Hills.

Q. Where were they coming from?

A. Middleton.

Q. Have you, at other times besides this, seen people marching past your house?

A. Yes.

Q. In parties of how many—the same number?

A. It was night time, and I could not count them.

Q. Do you a person of the name of James Mills?

A. Yes.

Q. Had he been in the army?

A. I have seen him in his soldier's dress, after he returned.

Q. Did you ever see him go with these parties?

A. I met him, one night as I was returning home, by the side of a number of people.

Q. What direction were they going in?

A. To a place called Slattocks.

Q. Was he walking by their side ?

A. Yes.

Q. He appeared the commander ?

A. Yes.

Q. At times when you have been attending to your farming business, have you heard people ?

A. I have, when I have been looking after my beasts : I did not see them, I heard them call out to "halt," "march," like military people, but I did not see them ; they were two or three fields from me, and it was nine at night.

Q. Did you ever hear the bugle sound at night ?

A. I have, in August, but not before August.

Q. Was it before the meeting ?

A. Yes, it was ; the first time I heard it was the 1st. of August.

Q. Did you hear it any other night ?

A. I heard it almost every night till the 16th., except on Sunday ; I do not know that I heard it on Sunday.

Q. About what time of the night ?

A. Nine or ten, after I was gone to bed.

Q. In what direction ?

A. In the direction of Royton.

Q. Did you ever go to Tandle Hills ?

A. One time, I did.

Q. What day ?

A. First of August.

Q. What time of the day ?

A. I started off about five in the morning.

Q. What time did you get there ?

A. I suppose in half an hour. I went very slow ; I went a private way.

Q. You did not wish to be seen ?

A. No, I did not.

Q. What did you see when you got there ?

A. A great number assembled there ; I was at a distance from them, I went nearer. The first part I lit'os, were thirty or forty, drilling as soldiers do, with a man standing before them, giving

them the word of command; such as "attention," "right wheel".

Q. Did they seem perfect?

A. The same as I have seen soldiers; I know nothing of military. They appeared to me to be the awkward squad. All the rest were in one body.

Q. Do you know a person of the name of Edward Cecker?

A. Yes.

Q. Do you know if he ever was in the Militia?

A. Yes; I hired him for the Militia myself.

Q. Was he where these thirty were?

A. Yes, he was; he was doing the same as the others—marching.

Q. Did he give the word?

A. No; the last word I heard was, "let your left foot tell."

Q. Before you left, did you see the awkward squad join the body?

A. I did not.

Q. Did you see the main body do any thing?

A. I could scarce see for the number of people about; but some few words I could hear. I did not wish to be very near them.

Q. What were the words you did hear?

A. I heard the bugle sound, and then the word "fire," at which there was a clapping of hands. Some words I could not tell; but I heard clapping of hands.

Q. Do you know the name of the person who commanded the main body?

A. I did not know him at the time; I do not know I should know him now.

Q. This was on the 1st. August; do you remember the 8th. of August?

A. Several people passed my house; I heard the bugle, but I did not go from my own house. I could hear words, but I could not tell the very words.

Q. Where were the people going to?

A. Tandle Hills.

Q. On the 15th. August, did you see people ?

A. Yes.

Q. In the same direction ?

A. In the same direction.

Q. Did you hear the bugle with them ?

A. I cannot say.

Q. Did it create any impression on your mind, seeing all this ?

Mr. Evans.—Does your Lordship think the impression made on his mind is evidence ?

Mr. Justice Holroyd.—If he said that it created an alarm in his mind, I think it is evidence for the Jury.

Mr. Evans.—Then it is evidence against us, if people, at any time, felt any alarm.

Q. What impression did it make on your mind ?

A. I was very ill afraid it would bring something very serious. I thought learning the art of war, and not under the direction of his Majesty, could come to no good—learning the art of war, and not under the direction of Government.

Q. You say it created an alarm in your mind, what did you do ?

A. What tools I had of defence, I took them up stairs and put them over my bed.

Q. What tools of defence had you ?

A. Two pitchforks and a gun ; I slept with them at the top of the bed ; it is a bed with rails, and I had them at the top.

Q. Do you remember, on the morning of the 16th. going to Middleton ?

A. I had some business there.

Q. What time of the morning did you get there ?

A. It might be about nine or ten o'clock.

Q. Do you know a place called the Barrow Fields, near the church ?

A. Yes.

Q. Did you see any body there ?

A. Yes ; but it was a long way off ; I saw their colours.

Q. Did you see any thing besides their colours ?

A. Nothing particular there, at that time ; I was a quarter of a mile off, or nearly so.

Q. Could you judge how many people there were; you must pass them?

A. I did not pass them.

Q. Did you see any other party join them?

A. That was after.

Q. Tell us what you saw after?

A. When I had done the business I went for, I went to pay for the school for my daughter. I then went to buy some meat. I stopped till they passed away; the first body stopped and halted near the market-place.

Q. What township did they come from—where did they come from?

A. I do not know, but it was said Rochdale.

Q. At the place where they halted, had there any assembled before?

A. They were the first; a party came afterwards, and they divided to let them walk through.

Q. That is, the first party divided?

A. Yes.

Q. Was there any noise or shouting?

A. I cannot say.

Q. What became of them?

A. They stopped some time, and marched away.

Q. In what direction?

A. In the direction of Manchester.

Q. How many of them were there?

A. I cannot say; but some thousands; a thousand or two; I never attempted to count them; I was very glad to get away.

Q. Did you see whether they had colours?

A. They had three stand of colours, and a pole with a cap of liberty at the top.

Q. Had they any music?

A. Yes; a bass drum for one thing, and several other instruments; I do not exactly know what.

Cross-examined by Mr. Evans.

Q. Your house is situated in the middle of the village?

A. No, on one side ; there are not many houses.

Q. It is one of them ?

A. Yes.

Q. It is on the high road ?

A. There is no high road there ; there is a road, a public road for carts to go to some places.

Q. Is it an occupation way ?

A. Yes ; people drive their cattle that way.

Q. It is a highway to and from the town ?

A. It is a highway, but there is no way except behind to go to Manchester.

Q. You say you heard the bugle at ten o'clock ?

A. Yes.

Q. It would be quite dark ?

A. It never is dark then.

Edmund Pilling sworn: examined by Mr. Starkie.

Q. Where did you go to on the morning of the 15th. August before the Manchester meeting ?

A. To the Broad field.

Q. In Rochdale ?

A. Adjoining close to Rochdale church yard.

Q. You went there by the direction of Mr. Crossley the Magistrate ?

A. Yes.

Q. What time in the morning did you go there ?

A. Between two and three in the morning.

Q. How soon did you see any person there ?

A. When I went up between three and four.

Q. How soon did you see any larger number ?

A. I turned back then into the town ; I walked up and down the streets till between three and four in the morning.

Q. Did you see any number of persons after that ?

A. No ; only eight or ten at once.

Q. About what time was that ?

A. Between three and four in the morning.

Q. Did you see more than one party of eight or ten ?

A. Yes ; I saw several parties come.

Q. Do you know where these parties were going ?

A. They were going to the Tandle Hills.

Q. That was on the Sunday morning ?

A. Yes.

Q. Did they say any thing to you about going ?

A. They asked me if I would go with them.

Q. To the Tandle Hills ?

A. Yes.

Q. Did they say what you was to do there ?

Mr. Evans.—I object to this conversation with other people ; I submit that this conversation is not evidence. He may prove what parties of people were present, but he is not to injure the plaintiff by stating the result of conversations with total strangers.

Mr. Justice Holroyd.—Sometimes conversations are facts ; a person desiring another to go with him is a fact. Let us hear the next question.

Q. Did they say for what purpose you was to go to Tandle Hills ?

A. He asked whether I would go to get a big loaf for a little one.

Mr. Evans.—This is the very kind of question I object to.

Mr. Justice Holroyd.—State the ground of your objection.

Mr. Evans.—It is an attempt to prejudice the plaintiff, through the medium of conversations by persons who are strangers to him. You might as well give evidence of the conversations between indifferent persons, and contend that the plaintiff was bound by what they said to each other.

Mr. Justice Holroyd. — I am of opinion it is evidence. What goes to shew the purpose of these meetings, is very proper to be laid before a Jury ; and I think their endeavouring to instigate the witness to go along with them, is, by law, evidence which I am bound to receive.

Q. Did you afterwards go to Tandle Hills ?

A. I did.

T

Q. What time did you get there?

A. Between four and five in the morning.

Q. What number of persons did you find there?

A. A body of about fifty, who were all looking on.

Q. You say looking on; were there any other persons there?

A. No; they were looking one at the other.

Q. Did they say any thing to you as to what you were to do?

A. Yes.

Q. What did they say?

A. They asked me if I would join them.

Q. Well?

A. I said I had not rightly considered of it.

Q. What did they say?

A. Then soon afterwards the Royton party came up.

Q. Then the Royton party came up?

A. Yes.

Q. Did they say any thing more?

A. They said I was foolish for considering any thing about it.

Q. You was foolish for considering any thing about it?

A. Yes.

Q. What more?

A. Then they went away.

Q. Did they say for what you was to join them?

A. No.

Q. Did they say to you, while you was there on the 15th., what their intentions were?

A. Yes.

A. What were they?

A. They said they would have a reform in Parliament.

Q. They said they would have a reform in Parliament?

A. Yes; and they said they would go up to London. They said they would make the best of their way there, and any person as had any property, they would make use of it as they went on the road.

Q. They said if any person had any property, they would make use of it on their way?

A. Yes; then I left them and had no more conversation with them.

Mr. Justice Holroyd. — Had you hesitated joining them, when they said you was foolish for considering any thing about it?

A. I would not join them.

Q. Was any thing said about arms?

A. They said that when they took their work to Manchester they bought arms to defend themselves with.

Q. You told us that the Royton division came up; how many men might be in that division?

A. I cannot say; perhaps 200 or 300.

Q. Did any other parties afterwards arrive?

A. Yes.

Q. Which?

A. The Middleton.

Q. How many might there be altogether, when all had arrived?

A. About 700.

Q. What did they do when they arrived?

A. They all formed in a line.

Q. What did they do after forming in a line?

A. They formed in sections; they wheeled back in sections.

Q. I believe you have been in the Local Militia yourself?

A. Yes.

Q. I ask you whether, in your judgment, they appeared to understand military exercise?

A. They did.

Q. Was there any clapping of hands?

A. Yes; at the word "fire."

Q. That was when the word "fire" was given?

A. Yes.

Q. Were there different persons commanding?

A. Yes.

Q. How long was the exercise continued?

A. From about six in the morning till eight.

Q. Had you been at any previous meeting, at this place?

A. Yes; I had been on the 1st. and on the 8th.

Q. Were the same things done upon the other occasions, when you came there ?

A. They were.

Q. Do you know a person of the name of Thomas Redford, of Middleton, the plaintiff ?

A. I do.

Q. Was he present on any of these occasions ?

A. He was present on the 1st. August, the 8th. August, and the 15th. August.

Q. All three days ?

A. Yes.

Q. Had you frequently seen him before ?

A. I had.

Q. Was any bugle used ?

A. There was.

Q. What was the bugle used for ?

A. They were training one company in light infantry facings.

Q. In the light infantry manœuvres, I suppose you mean ?

A. Yes.

Q. Was the bugle used for the motions of that company ?

A. Yes, it was.

Q. Is that the way in which a light infantry company is manœuvred ?

A. It is, to the best of my knowledge.

Q. To the sound of the bugle ?

A. Yes.

Cross-examined by Mr. Blackburne.

Q. What are you now ?

A. I assist the Constables in the police office.

Q. Where ?

A. At Rochdale.

Q. How long have you been in that employ ?

A. Since 1819.

Q. Since you was employed by Mr. Crossley on these missions ?

A. Yes.

Q. What was you before ?

A. A spindle grinder.

Q. Then you left spindle grinding, and took to the police ?

A. Yes.

Q. How soon after those times you went to the Tandle Hills ?

A. Soon after.

Q. Perhaps you can tell us the day on which you was admitted of that body ?

A. No, I cannot.

Q. You came back, and gave Mr. Crossley this account, and then you was admitted a member of the police ?

A. Yes.

Q. Do you recollect the person with whom you had the conversation ?

A. No.

Q. Do you know him ?

A. No.

Q. He was a perfect stranger to you ?

A. Yes.

Q. When you first saw him going down the streets of Rochdale ?

A. No ; on the Tandle Hills.

Q. Did you first meet with him on Tandle Hills, or at Rochdale ?

A. I had not seen him at Rochdale.

Q. Then you first saw him at Tandle Hills ?

A. Yes.

Q. Was he a looker on ?

A. One of the lookers on.

Q. You rejected every offer to join them ?

A. Immediately.

Q. Was it after you refused to join with them, that he told you this ?

A. After I refused to join with them.

Q. I suppose they wished to induce you to become one of their party ?

A. They proposed me to join them.

Q. So he told you they would go to London, have a reform in parliament, seize persons' property on the way, and that when they took their work home to Manchester, they bought arms with the money?

A. Yes.

Q. And this, you say, was told you, after you had refused to join?

A. Yes.

Q. Did he keep looking on, or marching?

A. Kept looking on.

Q. He did not form one of this body of 600 or 700 that formed in line?

A. He did not.

Q. How many lookers on were there?

A. I cannot exactly say.

Q. I take it for granted you did not count the line, or the lookers on?

A. There were about fifty or sixty lookers on.

Q. They did not increase much after you went?

A. No, sir.

Q. Did all the fifty or sixty lookers on, continue to be so?

A. They continued till the meeting was disclosed.

Q. You mean till it broke up?

A. Yes.

Q. Then I understand you that the conversation was with a person who was looking on, not one of the party?

A. With a person who was looking on.

Q. A stranger to you?

A. Yes.

Q. Whom you have not since seen?

A. Not seen, to the best of my recollection, since.

Q. Were other persons present at the time of this conversation?

A. There were three or four of them together.

Q. Did they hear what was said?

A. They did not hear all.

Q. Were other persons near you, walking about?

A. I was with my back towards a hedge.

Q. Do you know what became of the other persons?

A. No.

James Murray sworn : examined by Mr. Serjeant Hullock.

Q. In what part of Manchester do you live?

A. In Withy Grove.

Q. Do you remember going to White Moss, on the morning of the 15th. August, 1819?

A. I do.

Q. At what time of the morning did you set off from Manchester?

A. About one o'clock.

Q. Who accompanied you thither?

A. John Shawcross.

Q. What distance is White Moss from Manchester?

A. About five miles.

Q. At what time did you get near to the spot?

A. About three o'clock.

Q. Before you reached the place, had you heard music or shouting?

A. I heard a continual shouting thereabouts; all the way on the road.

Q. Did you see the persons from whom these shouts proceeded?

A. I saw some of them.

Q. When you got near the White Moss, did you see a number of persons together?

A. Yes.

Q. Was it daylight then?

A. Just break of day.

Q. About what number might be collected there?

A. There might be from 600 to 800.

Q. How was you directed to the spot?

A. By the shouts; we followed the sound as well as we could.

Q. You went in the direction of the noise?

A. We did.

Q. Was it in an inclosure, on a field, where the persons were collected ?

A. The people were collected on the Moss.

Q. How long was it, before you could ascertain their numbers ?

A. I went close to them.

Q. Shawcross being in your company ?

A. Yes.

Q. Were they in one body or separate bodies ?

A. Divided and separate ; but so close that they appeared one body ; the next party to me was a separate body.

Q. Could you ascertain in what way they were employing themselves ?

A. They were drilling.

Q. Did you hear any word or words given, that you call drilling ?

A. I heard them say, " wheel," " halt," " march," " stand at ease," and every word given from a drill ground, as far as I have heard—as far as I have been at a drill.

Q. From your observation, and what you heard, were they pursuing the same course, as is adopted in the case of drilling recruits ?

A. Yes.

Q. Did you see the parties unite, or did they continue in separate divisions ?

A. They continued in separate divisions.

Q. How long did you continue there, before any thing occurred worth notice ?

A. Not many minutes.

Q. What then took place ?

A. They began to halt the squads, and shout " spies."

Q. Did you stand still or move away ?

A. I began to retreat ; I did not like the place very well then.

Q. Was the word " spy" uttered by one man, or by several persons ?

A. Several shouted " spies", and " constables."

Q. These words induced you to retreat ?

A. Yes.

Q. Did any person follow you, or move towards you?

A. Yes.

Q. How many?

A. I should think nigh a hundred.

Q. Was you walking away or running away?

A. Walking away.

Q. What became of Shawcross?

A. I walked quicker than him, and he was between me and them.

Q. Did these hundred people walk or run after you?

A. They ran; part might walk.

Q. Did they shout to you; did they say any thing?

A. I heard several voices from the main body, shout "murder them, kill them, damn them, kill them."

Q. Those who did not move?

A. Those who did not move.

Q. They shouted these words?

A. Yes; "kill them, murder them; damn them, murder them."

Q. Was you overtaken by these persons?

A. Yes.

Q. About what number of men overtook you?

A. I cannot say: a great number. They overtook Shawcross first, and began to abuse him; and then they came to me.

Q. Were there several came to you?

A. From thirty to fifty.

Q. Did they say any thing when they got up to you?

A. They began to throw stones and clods; they were a little timid at first, but then they began flourishing with sticks, and came round me.

Q. Some were armed with sticks, and others had nothing?

A. Nothing.

Q. Before they reached you, they threw stones or clods; did either of those stones or clods strike you?

A. They did.

Q. Having got to you, and surrounded you in the way you mentioned, what was the nature of their operations ?

A. They all did their best to kill me.

Q. Tell us what they did ?

A. Those that had sticks hit as hard as they could; those who, had not, kicked me hard runbar kicks, as they say in our country and struck with their fists.

Q. Did they confine their strokes and blows inflicted on you to any part of your body, or were they very impartial, and laid them on all over you ?

A. All over me.

Q. Did they bring you to the ground by the effect of those blows ?

A. They did; frequently.

Q. Did you make any outcry ?

A. Yes, I did.

A. As much as you could ?

A. Yes, I did.

Q. During the time this outrage was going on, did they use any expressions too ?

A. The first thing I heard said was, "Mun us" (must we) "kill him out and out, and put him in the pit, or let him go."

Q. Was there any pit thereabouts ?

A. Yes; I believe there was.

Q. This is what you heard them say ?

A. This is what I heard them say. One man said, "I think he has had enough; if he has any more he will die."

Q. I believe that was your own opinion ?

A. It was, a good while before that.

Q. Did you continue sensible throughout this ?

A. Not all the time; I lost my recollection a few minutes.

Q. You lost your recollection a few minutes ?

A. It might be a few minutes; I cannot say how long.

Q. Upon one of them saying he thought you had enough, did they cease ?

A. They did.

A. Did they impose any condition upon you before they permitted you to go away?

A. They did.

Q. What did they make you do?

A. They gathered together; what they said I did not hear. One stepped out from among the body, and said "Will you go down on your knees and swear never to be a King's man again, nor own the name of a King, nor go a constabling?"

Q. What did you say?

A. I consented, to save my life.

Q. Did they say that any thing should be done to you, if you did not consent?

A. No; but I conceived that if I did not consent I should be murdered.

Q. Was any form adopted to make it more solemn?

A. They formed all round with their sticks, and I was in the centre.

Q. Your's was "Liberty or Death"?

A. I believe it was.

Q. What did you say?

A. They surrounded me with their sticks, and I was in the centre, and one came forward to repeat what I had to say?

Q. There was a person came forward?

A. There was; he administered these words—

Q. Was you standing at the time?

A. I was.

Q. Did you repeat after him?

A. I did.

Q. Can you tell us how he began?

A. He said, "Kneel down, first;" and I did so: then he said, "you swear"—

Q. Did he say "you, James Murray"?

A. No; he did not say my name; he said "you swear never to be a King's man again, nor own the name of a King, nor go a constabling; I will have no more constabling".

Q. Well; this oath was administered to you during the time you was on your knees?

A. Yes.

Q. After you had finished the oath, what became of them?

A. They went away, and I got up; two of them afterwards struck me with their sticks. I went to Middleton.

Q. How far from Middleton was you?

A. I cannot say; half a mile perhaps; if the house had been a hundred yards further I could not have reached it.

Q. You experienced great difficulty in reaching the house?

A. I did.

Q. How did you get to Manchester?

A. I sent for a chaise.

Q. You could not get to Manchester without?

A. No; I could not get to the chaise or walk. I was carried down stairs.

Q. You first went to a friend?

A. I went to a friend.

Q. I believe you received injuries in various parts of your person?

A. Yes.

Q. Was any part of your person free from bruises and strokes?

A. No; there was no part of my person that was not black. I looked at the bottoms of my feet and they were black.

Q. You got home?

A. Yes.

Q. Was you obliged to go to bed immediately?

A. Yes.

Q. Was you able to rise at the usual hour on the following morning?

A. I was confined to my bed; I could not get out without being helped out.

Q. In the course of Monday, was your attention excited by any noise in the street?

A. I heard a bugle and drum, and then I began to be very much alarmed.

Q. You heard the sound of a drum and bugle ?

A. Yes.

Q. Did that sound approach your house ?

A. It came nearer.

Q. Was you lifted out of your bed ?

A. Yes.

Q. Was you carried from your bed to the window, to enable you to look out ?

A. Yes.

Q. Have the goodness to state what you saw in the street ?

A. At the front of the column—

Q. Was there a column ?

A. A solid body of people; in the front of the column they were about eight or ten abreast; one man called "halt," on which the bugle sounded, and they all halted.

Q. The whole party ?

A. They did.

Q. From the situation you were in, could you distinguish the length of the column ?

A. I saw it pass afterwards.

Q. What took place then ?

A. They gathered together, and had some little conversation; then they cried "march," the bugle sounded, and they went away.

Q. Was there any mark of approbation or disapprobation ?

A. Not till they marched away.

Q. What then took place ?

A. They hissed, and pointed at the window.

Q. Are you quite sure, that when they hissed they looked at your house ?

A. I am quite sure.

Q. Did they point to the house ?

A. They did—not all.

Q. But some did ?

A. They did.

Q. What was the size of this column—what number were there ?

A. From 8,000 to 10,000; they were twenty minutes passing, eight or ten abreast.

Q. About what time of the day was this?

A. Between eleven and twelve.

Q. Had they any banners?

A. A good many; as I conceived, one at the head of every division.

Q. Can you tell us any thing that was written on them?

A. I cannot say; I paid more attention to the men and the way in which they marched.

Q. Did they march with regularity and order?

A. They did; I have seen a regiment march worse.

Q. Had they sticks?

A. Many with sticks.

Q. With which they walked?

A. They had them in their hands; I took as much notice as lay in my power.

Q. Was that the only column you saw pass your house that day?

A. No.

Q. How soon was your attention directed by similar sounds?

A. In about an hour; between twelve and one.

Q. What occurred?

A. I heard music and drums; I was again carried to the window.

Q. State what you observed then?

A. The whole street was as full as it could be of the mob, and a band of music was preceding an open carriage.

Q. Was the band of music at the head of the column?

A. There were thousands before the music.

Q. Marching with regularity, or merely a mob?

A. Merely a mob.

Q. Like all other mobs, consisting of men, women, and children.

A. There were.

Q. What did this open carriage contain?

A. Hunt was there for one; Johnson was there for another.

Q. He is a brush maker?

A. I know him very well; he has a house higher up than mine.

Q. Who else?

A. The other I did not know.

Q. You did not know the lady?

A. No.

Q. She was dressed in white?

A. She was very smart.

Q. Was she a young lady?

A. Yes.

Q. Any thing in her hand?

A. A banner.

Q. Placed by herself?

A. In the dickey.

Q. How many horses?

A. Two.

Q. Or was it drawn by other animals?

A. I did not take much notice of the horses.

Q. Did they pursue their course?

A. They went as slow as they could, to call it moving; they pointed at my house.

Q. They pointed at your house?

A. Hunt and Johnson looked up at the window, and the others hissed and hooted tremendously, and groaned so, that it might be heard a long way.

Q. He pulled off his hat to you?

A. He was not so polite.

Q. They hissed and groaned?

A. They did.

Q. Did the hissing, hooting, and groaning, pervade the whole line?

A. It did, as far as I saw; and after they had hooted, they pointed to the carriage, and clapped and shouted, and then hissed and groaned; my judgment was, they considered that he was to be their deliverer.

Q. They then shouted and pointed towards Hunt, and after that hissed again?

A. They did.

Q. Treating you and Mr. Hunt rather differently ?

A. A good deal.

Q. From the observations you made at the time, did Hunt appear to have influence and command over the people ?

A. He did not seem to have command or give directions; he rather stood.

Q. Of what number might this column be composed ?

A. The whole street was full, but it was sooner gone than the other, it was a mere mob.

Q. You say that Johnson resides a little above your place ?

A. Yes.

Q. At Smedley Cottage ?

A. He resides there, but his shop is in Shude Hill.

Q. On going from Smedley Cottage to the field, is your house the nearest way ?

A. No.

Q. Is it more circuitous ?

A. It is not so good a road ; not so broad.

Q. But is it further about ?

A. It is, 600 or 700 yards.

Q. And not so good a road ?

A. The streets are not so broad as the nearest way.

Q. Was you confined in your bed the remaining part of the day ?

A. Yes.

Q. You know no more about the meeting ?

A. No.

Cross-examined by Mr. Evans.

Q. Pray, Murray, what are you ?

A. A confectioner by trade.

Q. Is that the only trade you follow ?

A. No ; I am a farmer now, as well.

Q. Are you well acquainted with the police officers of Manchester ?

A. Yes.

Q. Pray what might induce you to go to this place ?

A. The alarming state of the country, which I conceived it to be in.

Q. Will you swear that you was led by the shouts to White Moss?

A. I will swear they directed us, for I did not know the way before.

Q. Will you swear that no man told you the way?

A. I asked no man the way.

Q. Who went with you?

A. Shawcross, Rymer, and Rymer's son.

Q. Did you communicate to any person, your intention?

A. Certainly.

Q. Who?

A. I asked Rymer and Shawcross.

Q. To any body else?

A. I believe Shawcross asked me to ask Nadin to go.

Q. As you was in no public situation, what good could your going there do?

A. I went to see whether the account I had heard was true, as to drilling, and to satisfy myself as to the state of the country.

Q. Am I to understand, you had no other object but curiosity?

Mr. Serjeant Cross.—He did not say his object was curiosity.

Mr. Evans.—I beg, Mr. Serjeant Cross, I may not be interrupted.

Q. Had you no other object than curiosity?

A. I had an object respecting drilling, and what I had heard of pikes and drilling. I conceived it very like a civil war.

Q. Is that an answer to my question, pikes and drilling? What was your object?

A. I was very unhappy several weeks prior to this day; if I am capable of giving you a clear answer, I will. In consequence of drilling and collecting men, I conceived the country was in a very terrifying state, and I went to see whether there was any truth in it.

Q. Then you went from mere curiosity?

U

Mr. Justice Holroyd.—He had an object beyond that ; he had heard accounts of pikes and drillings, and he tells you he was in fear of a civil war.

Q. Then your fear led you ?

A. Yes ; my fear of a very serious disturbance.

Q. Was not your object to give information ?

A. It was not.

Q. What did you get for this ?

A. Nothing.

Mr. Serjeant Hullock.—He got almost murdered.

Q. You got nothing ?

A. There was a subscription for the men who were hurt on this day, and there were two doctors who attended me, and they paid them.

Q. The committee ?

A. I was known to some who were in the committee.

Q. There was a subscription to give to the people who had suffered ?

A. Yes ; there was one lady lost her husband, and several were very much hurt.

Q. When you went to the Moss, somebody began to cry out "spy", and you began to run away ?

A. They did.

Q. You appear a man of great consideration, how did they know your house ?

A. I have lived there thirty years ; I keep a wholesale confectioner's shop, and people from the country used to buy gingerbread of me ; I had a good deal of business before this job.

Q. How did these people, who came from the country, know your house ?

A. It was talked of that Murray, the gingerbread baker, had been among them.

Q. You said they were timid at first ?

A. They did not close all at once.

Q. You stated that you was insensible for some time, that you was beaten so severely that your life was despaired of ?

A. I despaired of it.

Q. But you can state all the forms you went through ?

A. I could know nothing while I was insensible, but afterwards I could.

Q. How long did this transaction take place ?

A. From the beating, near ten minutes.

Q. Can you now take on yourself to swear, that, notwithstanding you was beaten by fifty men, notwithstanding you was insensible, you can accurately describe what took place ?

A. I do positively swear, on my oath.

Q. On Monday you was so ill, that you was obliged to lay in your bed ?

A. I was.

Q. But still you could not avoid getting to the window, to see the people coming ?

A. I requested to be moved to the window.

Q. And then afterwards you asked them again ; and you have described this mob of boys correctly ?

A. Yes.

Re-examined by Mr. Serjeant Hullock.

Q. Was the sole cause of your going to the place, the apprehensions of danger which existed in your mind, by the reports you had heard of the state of the country ?

A. It was.

Q. Was your sole purpose to ascertain how far there were grounds for such reports ?

A. It was.

Q. How long had these apprehensions of danger existed ?

A. From the first time I saw the placard of the 9th.

Q. Did that placard create this sensation in your mind ?

A. It did ; and then being followed up by the drilling reports.

Q. Were these apprehensions confirmed by what you saw and felt on the morning of the 15th. ?

A. They were.

Q. Was your name mentioned by any of the persons on the ground at White Moss ?

A. It was; "Murray," I heard distinctly.

Q. In what way; with any epithet?

A. I heard "gingerbread Murray," more than once.

Q. In which article you deal?

A. Yes.

Q. Do you know whether there were any Manchester people in the mob who came opposite your house?

A. I do not know that there were.

Q. Did your trade experience any diminution after the 16th. August?

A. It did.

Q. Was it considerable?

A. It principally went away; from six days work my men were reduced to two.

Robert Keymer sworn: examined by Mr. Serjeant Cross.

Q. You reside on the Failsworth side of Manchester?

A. I reside in Newton.

Q. Near Failsworth?

A. Yes.

Q. And you are a Lieutenant Colonel of the local Militia?

A. I am.

Q. Had you observed any training, prior to the 16th. August, in the neighbourhood?

A. I had.

Q. About what time of day?

A. About nine o'clock at night; from eight to nine.

Q. Did that happen once, or frequently?

A. I only saw them once.

Q. How long before the 16th.?

A. About three weeks.

Q. How many persons did you see?

A. About a hundred.

Q. Was there any difference in their mode of drilling, and that of your regiment?

A. None.

Q. Did you hear the same words of command ?

A. I did.

Q. The same movements ?

A. I did.

Q. Any bugle or other instrument ?

A. I have heard the bugle of an evening frequently, and words of command, several evenings ; I could go out and hear words of command from three or four different parties.

Q. Were these people generally peaceable or otherwise, prior to the 16th. August ?

A. The neighbourhood was very much disturbed—the people were very insulting.

Q. Did you hear these words after dark—words of command, and the bugle ?

A. Yes.

Q. Did you ever go to the White Moss ?

A. Yes ; I did.

Q. On what day ?

A. On the 15th. August.

Q. The day before the meeting ?

A. Yes.

Q. What time did you get there, Col. Keymer ?

A. A little after three in the morning. When I got there, Murray had just received his beating, and gone off.

Q. You was not so unfortunate ?

A. No ; they threatened me a little.

Q. Being conversant with military movements, you would be able to compute the numbers you found there ?

A. 2,000. I counted them in line, after seeing them march and drill about.

Q. Did you see them moving about in squads ?

A. I did.

Q. Was any person commanding each squad ?

A. There was a person commanding every squad.

Q. Did they drill, in any respect, different from your own regiment ?

A. The same ; indeed I saw many who had been in my regiment drilling.

Q. What number had belonged to your regiment ?

A. I think there were as many as 150, who had been under my command.

Q. Did any of them speak to you ?

A. They did, several.

Q. In what way did they address you ?

A. In different divisions ; they marched by and shouted, " Colonel, we can march yet, we shall be able to teach you bye and bye."

Q. Did they say any thing about the meeting on the following morning ?

A. Several of them told me 20,000 were to meet Hunt next morning.

Q. The next morning, did you see any of the body of the people in motion ?

A. I did.

Q. Going towards the town ?

A. I did.

Q. Among them, did you recognise any of those you had seen at White Moss ?

A. Several.

Q. Who had been under your command ?

A. Several.

Q. Do you recollect to what divisions they were attached ?

A. To the Oldham and Failsworth.

Q. Did they move as well along the road as at White Moss ?

A. They did.

Q. Did you see their banners ?

A. I did see their banners.

Q. Was that the party who carried the black flag ?

A. Yes ; they had the black flag among that party.

Q. I believe you afterwards proceeded to the meeting ?

A. I did ; I had been at the meeting before I saw that party.

Q. Did you get near the hustings ?

A. I did.

Q. Did you find any of those men you recognised at White Moss, upon the ground in St. Peter's Field?

A. Yes, I did.

Q. Any considerable number?

A. Yes; I saw a good many.

Q. About what time was it you got near the hustings?

A. I got near the hustings a little after twelve o'clock.

Q. Could you observe in what manner the people stood, who were nearest the hustings?

A. They appeared to me very close together, and their arms locked.

Q. Have the goodness just to describe in what manner?

A. Their hands were put through one another's arms.

Q. One, or two, or many?

A. Many.

Q. How far did they extend?

A. They appeared to be nine or ten deep.

Q. Could you find it possible to pass through them?

A. No; I could not get through them.

Q. Were they between you and the hustings?

A. They were.

Q. I believe there was some word given from the hustings?

A. That they were to stand fast, and not suffer themselves to be broken.

Q. Did you judge the public peace to be in perfect safety, at that time?

A. I did not.

Q. How did it appear to you?

A. I considered the town to be in very great danger.

Q. Did you do any thing, in consequence of feeling that impression?

A. As soon as I saw the Cavalry, I immediately left the ground, and I advised the people to do the same, for I was sure something would happen.

Q. Before you went away, did you see any thing thrown?

A. No.

Q. Do I understand you right that you did not act or give any advice to any body else till the Cavalry arrived ?

A. I might have given advice to the women and children.

Q. Then was it before the Cavalry came that you apprehended mischief ?

A. Long before.

Q. Did you afterwards see any of the Cavalry ?

A. I left the ground for a few minutes, and I returned when the Light Horse came up out of Quay-street. In coming up Peter-street there was a great crowd rushing out, and I saw one of the Yeomanry knocked off his horse with a brickbat.

Q. Where was you then ?

A. In Quay-street.

Q. Whereabouts is that ?

A. Near St. Peter's-street.

Q. I wish to confine you to the field where the matter happened; where was it you saw the brick thrown ?

A. The side of the new Jerusalem Church, in Peter-street, just by the field.

Q. By where ?

A. The new Jerusalem Chapel.

Q. You say you saw it strike one of the Yeomanry ?

A. Yes.

Q. Was he sitting on his horse ?

A. Yes.

Q. What became of him ?

A. He fell to the ground.

Q. Did you see any thing of any fire arms ?

A. I saw a pistol fired out of an upper room by the Jerusalem Church.

Q. You saw a pistol fired near the same spot ?

A. Yes.

Q. After the ground was cleared, did you see any sticks or stones laying about ?

A. A great many sticks, and a good many stones.

Cross-examined by Mr. Blackburne.

Q. You say there was some training going on near the place where you live, and that you saw them one night to the amount of one hundred?

A. I did.

Q. This was at eight at night?

A. It was.

Q. Where did you see them?

A. In one Robert Berry's field.

Q. How far from the road?

A. It may be three quarters of a mile; there is a road that goes to Ashton, which is nearer.

Q. I understand that you, in walking out at night, heard the words "march" and "halt"?

A. I did.

Q. Was you walking in the public path?

A. I had been at this meeting, and had called on a gentleman for my daughter, and in coming home, I heard these words of command. I was on a foot road, leading to the Newton Road, and all other roads about there.

Q. I understand you to say that you came on the ground a little before twelve?

A. I had been on before.

Q. And then was the time you saw them lock?

A. It was a quarter before one, when I saw them so strongly locked.

Q. Did you see them open again?

A. No, I did not.

Q. As far as fell under your observation, they continued so?

A. They continued so, on the side where I saw them.

Q. You say you saw a pistol fired out of a window?

A. I did.

Q. Did you see the pistol?

A. I saw the flash.

Q. And heard the report?

A. Yes.

Q. Did you see the effect ?

A. No.

Q. You did not see any mischief that it did ?

A. I did not.

Q. You say you was coming back from Quay-street towards Peter-street, did you meet with a number of people running ?

A. I did.

Q. Did any Cavalry follow ?

A. There was this Cavalry man I saw knocked off his horse.

Q. Cavalry ?

A. Yeomanry.

Q. At what speed were the people going, who were going down the street ?

A. Running very fast.

Q. At what speed were the Yeomanry going, who were following them ?

A. Just turning the corner of the Church at a short trot.

Q. What Church ?

A. The new Jerusalem.

Q. Turning the corner of the Chapel ?

A. There is a narrow street when you get past the Chapel yard.

Q. Then they were turning out of Peter-street ?

A. Yes.

Q. Were some of the people flying up that way ?

A. Up that way.

Q. He was riding after them ?

A. He was riding that way.

Q. Was his sword drawn ?

A. Yes.

Q. That was the place where you saw him struck with the brickbat ?

A. Yes.

Q. As he was riding ?

A. Yes.

John Chadwick sworn : examined by Mr. Littledale.

Q. John Chadwick, you live at Manchester ?

A. Yes:

Q. Did you ever go to the White Moss?

A. Yes.

Q. When?

A. The 15th. August.

Q. Was any body with you?

A. Yes, a young man.

Q. At what time did you get there?

A. At about two o'clock, rather before.

Q. In the morning?

A. Yes.

Q. Did you see any body there?

A. Yes; when I got there, there were perhaps 200 people.

Q. Did any more come afterwards?

A. Yes; a great many.

Q. How many were there altogether?

A. I could form no opinion, perhaps 6,000 or 8,000.

Q. I am speaking of the White Moss?

A. When all were there, perhaps there might be that many; not when I got there.

Q. Do you know where they all came from?

A. Some came from Manchester, some from Oldham.

Q. From other places?

A. Yes.

Q. What did they do—did you hear any bugle?

A. Yes; the horn blew and they fell into rank.

Q. Were they divided into ranks?

A. Yes; every one to their own township; they all knew their own townships.

Q. Were these parties commanded by different people?

A. Yes; different parties were commanded by different commanders.

Q. What did they do then?

A. Marched about; marched and countermarched.

Q. Did you hear any word of command given?

Mr. Justice Holroyd.—You have examined several people as

to that point, and among them, a Lieutenant Colonel who is better able to tell you than a boy.

Q. Do you remember a time when they all fell in together ?

A. Yes.

Q. What time was that ?

A. Between four and six.

Q. Do you remember a letter being brought ?

A. Yes, I do.

Q. How were they formed then ?

A. They were marching about when the letter came, but the commander ordered them to form a hollow square, on purpose that they might hear the letter read.

Q. Well ?

A. The man who brought the letter gave it to one of the commanders; he formed them into a hollow square, but he said he would not read it because it had no signature.

Mr. Justice Holroyd.—Was the square formed of the whole body ?

A. Yes.

Q. He said he would not read it to them, but he would tell them what the contents were ?

Mr. Evans.—I object to the contents of the letter being stated.

Mr. Justice Holroyd.—He is not going to give the contents of the letter, only to state the object of it.

Mr. Evans.—I submit that is the contents ?

Q. What was it ?

A. That they must form hollow squares on the Monday, at the Manchester meeting.

Q. For what ?

A. To keep their enemies out.

Q. How long did you continue after that time ?

A. I left the Moss about six o'clock.

Cross-examined by Mr. Evans.

Q. He said that was the object of the letter ?

A. Yes.

Q. But he said he would not read the letter, because it had no signature ?

A. Yes.

Q. Was you at the meeting of that day—the 16th. ?

A. I was.

Q. How long did you remain at that meeting ?

A. A very short time ; about a quarter of an hour.

Q. Did you wait till the Cavalry came ?

A. I just went off as they came on.

Q. Did you see any disturbance, previous to that, on the field ?

A. I cannot say I did.

Q. Did you see the people were armed with bludgeons ?

A. There might be bludgeons ; I was only at the outskirts of the meeting.

Q. What induced you to leave the field ?

A. Because I thought there would be some disturbance.

Q. Was it when the Cavalry came in the field, you expected some disturbance ?

A. Yes ; it was just when the Cavalry came into the field that I went off.

Re-examined by Mr. Littledale.

Q. During the time you was there, did you see any of the people that you saw at White Moss ?

Mr. Evans.—How does that arise out of my cross-examination ? I asked nothing about the drills.

Mr. Littledale.—As my friend was enquiring what the witness saw at the field, I have a right to enquire what he saw out of the field.

Q. Did you see any of the people ?

A. I saw the person who should have read the letter, that had the letter, the commander. I saw him leading the Rochdale and the Middleton gangs up to the meeting.

Q. On the 16th. ?

A. On the 16th.

Q. Did you see any body else you had seen at the White Moss ?

A. Several more.

Q. Were they among the Middleton and Rochdale people ?

A. Yes.

Mr. Littledale.—I was about to ask the witness what words of command were given, and your Lordship thought I had asked the question before.

Q. Will you tell my Lord, or the Jury, what words of command were given?

A. "March," "counter-march," "halt," "attention," "stand at ease." I don't know that I heard any thing more.

Q. Did they do any thing with their hands?

A. They had orders to "present," and "fire," and then they clapped their hands.

Mr. Evans.—I suppose I am entitled to cross-examine on this evidence now.

Cross-examined by Mr. Evans.

Q. You have sworn that it was the person who led the Middleton body that read the letter?

A. Who should have read the letter.

Q. You swear that positively?

A. I do.

Q. Have you any doubt?

A. No doubt.

Q. Should you know that person now?

A. I do not know that I should.

Q. You swear that it was the person who led up the Middleton body?

A. Yes.

Re-examined by Mr. Littledale.

Q. What do you mean by leading up the Middleton body?

A. Coming up the road.

Q. Where was it you saw him the next time?

A. Coming the other side the Newton lane. I met the Rochdale and Middleton parties there, and he was one of the first men.

Q. Was he walking in the front?

A. He was.

Q. Was he the first man in the line, or were there others in the same rank?

A. Several leading up besides ; but I knew him very well.

Q. Do you mean by leading, that he appeared to command the column, or was only in the front rank ?

A. Only in the front rank.

John Haywood sworn: examined by Mr. Starkie.

Q. Was you on the White Moss on Sunday morning the 15th., at the time the drilling was going on ?

A. Yes.

Q. Do you know who commanded ?

A. Yes.

Q. Who ?

A. David Kay, of Ashton-under-Line.

Q. Did you know him before that ?

A. No.

Q. Whom did he command ?

A. He commanded about 300.

Q. Did you know him before ?

A. No, Sir.

Q. Did they offer to meddle with you ?

A. Yes ; they came marching up in a line altogether ; and this David Kay marched in a straight line near to me, and he called out "halt."

Q. What did he say to you ?

A. I heard him say to the men, "to the right about face," "march;" and they began to march, but only a little way; he came running to me and laid hold of me.

Q. What did he say to you ?

A. He said I had offered to leg him ; I said I had not.

Q. What more ?

A. He seized hold of my breast; and said I did—he said "I will fight you." I said "there are two can play at that." With that, he cried out "spy—there is another spy, lads."

Q. Well ?

A. With that, they came running as thick as they could come. With that, the sticks began laying on me.

Q. Was you knocked down?

A. Yes.

Q. Much beaten?

A. Yes.

Q. Were you on the road between Manchester and Middleton the next day, the 16th.?

A. Yes.

Q. Did you see the Middleton men marching?

A. Yes.

Q. Did they say where they were going, and what they would do?

A. No.

Q. Did any of them say any thing to you?

A. No: I met about five of them, and they asked if I was not going to the meeting that day.

Q. What more did they say?

A. They said "if thou will go to day, thou shalt have what thou was short of yesterday."

Q. Did you see Mr. Hunt that morning?

A. Yes.

Q. Where was he?

A. In Smedley Cottage.

Q. Where there many people there?

A. Yes.

Q. How many?

A. There were 200 or 300 in my sight.

Q. What was Hunt doing?

A. He threw up the sash and spoke to the people. What he said, I cannot tell.

Cross-examined by Mr. Evans.

Q. Pray, Haywood, what are you?

A. An husbandry man.

Q. Where do you live?

A. In Harpurhey.

Q. What induced you to go?

A. I met with my comrades, and went up to Failsworth.

Q. How does that account for your going to where the men were drilling?

A. While I stopped there, it was near five o'clock, and I said I would go and see if there was any drilling, for I had never seen any.

Q. You have seen the man who was commander, several times since—Kay?

A. Yes; I have seen him at the New Bailey.

Q. You never saw him before in your life?

A. Not before I saw him at the White Moss.

Q. How can you swear where he lived?

A. There was a constable, Mawson; when I was beat, I happened to lose my hat; I got hold of David Kay's hat, it had his name in.

Q. Could you read it?

A. I could not; the constable could, and said it was his.

Q. You say this man was beating a boy; did you do any thing while he was doing that?

A. No.

Q. You said "why do you do that?"

A. He said I offered to leg him, which I did not.

Q. Will you swear that you did not leg him, on your oath?

A. Yes.

Q. Were you in the employ of Andrew the constable?

A. Never.

Q. You say you saw David Kay at the New Bailey?

A. Yes.

Q. Was the hat there?

A. The constable gave me mine.

Q. And you gave David Kay his hat back again?

A. That was at the Moss.

John Shawcross sworn: examined by Mr. Sergeant HuRack.

Q. What are you—where do you live?

A. I live at Manchester.

Q. Did you reside there in August, 1819?

A. In Salford.

Q. Did you accompany Murray to White Moss ?

A. Yes.

Q. You set off early in the morning, and arrived at day break ?

A. Yes.

Q. Had you any thing to do with the police at that time ?

A. I was regular police clerk.

Q. Had you been so any time before ?

A. Several years.

Q. Who, besides Murray, accompanied you ?

A. Rymer and his son.

Q. When you got to White Moss, do you remember any particular words ?

A. Nothing more than "right," "left."

Q. What happened to you ?

A. I was followed by a party of the persons exercising, and beat.

Q. By what number of persons were you followed ?

A. From fifty to one hundred at least.

Q. Did they overtake you ?

A. Yes, Sir.

Q. Did they call to you before they overtook you ?

A. The first person who came up to me asked me who I was.

Q. Did you tell him ?

A. I said I came from Middleton.

Q. That was not so ?

A. No. He said, "no ; you come from Manchester."

Q. What made you give that answer ?

A. I was apprehensive I should be beat.

Q. What then took place ?

A. Without saying any more, he knocked me down.

Q. With what ?

A. His fist.

Q. Did you rise again ?

A. No.

Q. Why ?

A. He began to beat me again with sticks, and kicked.

- Q. While you was laying on the ground ?
- A. Yes.
- Q. How long did they continue to do so ?
- A. Perhaps five minutes or more.
- Q. Did you then get away, or how ?
- A. I was knocked into a ditch, or rather kicked in.
- Q. What then ?
- A. I then received a violent kick on the side, which deprived me of sense for some time.
- Q. For what length of time you cannot tell ?
- A. No.
- Q. When you came to yourself, what then ?
- A. I found myself in the ditch, no one round me.
- Q. When you returned to yourself, you found yourself alone, and got away ?
- A. Yes.
- Q. Was you bruised ?
- A. A good deal.
- Q. What part ?
- A. All over.
- Q. With sticks ?
- A. With sticks and fists ; I was also cut with a sharp instrument, through the cheek.
- Q. Was that inflicted while you was sensible ?
- A. No ; I discovered it when I got out of the ditch.
- Q. Was you cut through the cheek ?
- A. Through the lip.
- Q. What became of Murray ?
- A. He passed me, and got further.
- Q. Did you see him ?
- A. When I got up, I saw the sticks on him.
- Q. Bestowing the same attention on him, as they had done on you ?
- A. Yes.
- Q. Had you any knowledge of the party ?
- A. Not the least.

Q. Neither can you say whether you saw any at the meeting?

A. I was confined in my bed.

Q. For what length of time?

A. Several days.

Q. For the cause you have mentioned?

A. Yes.

Q. What induced you to go to the White Moss?

A. I had heard of meetings and drillings, and it was merely for the purpose of ascertaining whether it was so.

Q. You ascertained the fact as you have stated?

A. Yes.

Q. How long before that was it, that you heard the first reports or rumours of such proceedings?

A. I had heard, many weeks before, that there had been meetings in the neighbourhood.

Q. Did you ever see Mr. Hunt?

A. Yes.

Q. Where?

A. Several places.

Q. Manchester?

A. Yes.

Q. Did you ever see him at any public meeting at Manchester?

A. No.

Q. You have seen him walking the streets?

A. Yes.

Q. With whom?

A. If I recollect right, with Johnson.

Q. Johnson is a brush maker by trade?

A. Yes.

Q. Have you seen him do that oftener than once?

A. I cannot say I have.

Joseph Buckley sworn: examined by Mr. Serjeant Cross.

Q. You are a weaver, I believe, at Chadderton?

A. Yes.

Q. Was you at the White Moss the day before the meeting?

A. Yes.

Q. About what time did you get there?

A. About five or six o'clock.

Q. Did you see people drilling there?

A. Yes.

Q. Did you see what became of them when it was over?

A. Yes.

Q. What became of them?

A. They marched off to different parts of the country.

Q. In bodies, or separately?

A. In squads.

Q. Any towards Blakeley?

A. Yes.

Q. Blakeley, Ashton, Middleton, and Royton?

A. Yes.

Q. You saw them going in all these different directions?

A. Yes.

Q. Before they left the White Moss, did you hear them say any thing they were to do?

A. Yes; I heard John Walker, who was drilling one of the squads, say Hunt was to be at Manchester at twelve o'clock.

Q. When?

A. On the 16th.; and they must all be sure to be there.

Q. Did you hear any of them say any thing after that?

A. Yes; when they had gotten the day, they would have a new government.

Mr. Serjeant Cross.—After your Lordship and the Jury have heard so many witnesses, I do not think it necessary to go into any further particulars of the drillings.

Cross-examined by Mr. Blackburne.

Q. Are you a weaver, of Chadderton?

A. I am, now.

Q. You still continue in that employ?

A. Yes.

Q. Are you any thing else?

A. Sometimes in the summer I go out a shearing.

Q. Were you drilling, or one of the spectators?

A. I was one of the lookers on.

Q. Did you know the man with whom you had this conversation?

A. I did not know him; I had never seen him before in my life, to the best of my knowledge.

Q. And probably never since?

A. Not as I know of.

Q. Was he a spectator, or drilling?

A. He was drilling in the squad.

Q. How many people were there with you at the time he told you this?

A. A great number.

Q. They would hear this, as well as you?

A. Several; I dare say many scores besides these people that were drilled.

Q. And this man said all this about the new government loud enough for you to hear?

A. Yes.

Q. Did he beg you to fall in and drill?

A. One came out of the squad, that did.

Q. One came out, but that was not the person?

A. No.

Q. Was it out of the same squad?

A. Yes.

Q. When this man asked you to fall in, you refused?

A. He said I must either fall in or go about my business.

Q. Did you do either the one or the other?

A. Yes; I did fall in.

Q. Then you was drilled?

A. Yes.

Q. How long was you drilled?

A. About an hour and a half.

Q. You would become expert at drilling?

A. Yes.

Q. You are now fit to move in any procession?

A. I should not wonder but what I am.

Q. You became qualified by that one drill; the men who drilled you were very skilful persons?

A. Yes.

Q. Now, was this after or at the drill?

A. At the drill; I was standing by.

Q. Was it before you went in to be drilled or after?

A. Before.

Q. The man told you all this before?

A. Yes.

Re-examined by Mr. Serjeant Cross.

Q. What made you fall in; was you afraid?

A. I was afraid they would do with me as they had done with other persons, if I did not.

Q. Then you fell in for fear of falling out?

A. Yes.

James Heath sworn: examined by Mr. Littledale.

Q. I believe you live at Chetham Hill?

A. Yes.

Q. How far is that from Manchester?

A. About two miles.

Q. Is that on the road between Manchester and Bury?

A. Yes.

Q. Do you remember, on the morning of the 16th. August, 1819, any people coming past your house?

A. Yes.

Q. What were their numbers?

A. I cannot tell; from 3,000 to 4,000.

Q. Were they all in one body or different parties?

A. In different parties.

Q. Did you go to your door or window to see them pass?

A. I was in the dining-room when they came by.

Q. Was that up stairs?

A. Below stairs.

Q. Did you go to the gate of your house?

A. After the principal body had passed, I did.

Q. Were there more people passed, after you got to the gate?

A. Several smaller parties.

Q. Where were they coming from?

A. They appeared to be coming from Bury and Rochdale.

Q. Now as you was standing at your gate, did any people, as they passed, say any thing to you?

A. Yes; there were three in a party—

Mr. Blackburne.—Does your Lordship think that where three persons are passing by, we are to have an account of what they said?

Mr. Justice Holroyd.—Yes; I think we must hear what they said.

Mr. Blackburne.—It is merely the account of these three persons passing by.

Q. Were they the last of a party, or did any more come up?

A. More came up.

Q. What did any of them say to you?

A. One said “you will not sleep in that house to night.”

Q. Did you ever see so large a body come past your house before?

A. I do not know that I did.

Q. Did you feel any alarm?

A. Yes; I felt a little alarm.

Q. What made you alarmed?

A. In consequence of the number of people going, and what might happen at Manchester.

Q. Do you know whether any alarm was felt by your neighbours?

Mr. Blackburne.—Surely we are not to have in evidence, what was the state of alarm of his neighbours?

Mr. Justice Holroyd.—The state of alarm of the people was what the Magistrates acted upon.

Mr. Blackburne.—I have taken the objection, and your Lordship has ruled against it.

Q. Did any of your neighbours express their alarms to you the night before?

A. The night before.

Q. Was the alarm expressed by many?

A. No; by Mr. Rider.

Q. By any body else?

A. No.

Cross-examined by Mr. Estlin.

Q. Pray were there any old women in your house?

A. No.

Q. Anybody but yourself and your wife?

A. Yes; a female servant.

Q. Was she alarmed?

A. She did not express it.

Q. Was Mrs. Heath alarmed?

A. Yes.

Q. Will you swear from what place they came?

A. No.

Q. Will you swear to what place they went?

A. No.

Q. Will you swear who they were?

A. No.

Q. You do not know whether they were spies hired to state this; will you swear whether they said it in earnest or not?

A. It did not appear as a joke.

The Rev. Jeremiah Smith, D. D., sworn: examined by Mr. Starkie.

Q. You are the head Master of the Grammar School in Manchester?

A. I am.

Q. Did you reside in Manchester on the day in question, the 16th. August?

A. I did.

Q. Did you take any precautions on the morning of that day, as to your doors and windows?

A. Yes.

Q. What was it you did?

A. I dismissed the boys from the school—I locked up my own boarders—I collected my own boarders under my own premises, locked both the doors leading to the street, and closed the shutters in front of my house.

Q. What was it that induced you to take these precautions?

A. The great influx of strangers into the town.

Q. Did you yourself see many come in?

A. Many.

Q. Can you form any judgment as to the number?

A. I cannot; I saw many in small parties.

Q. Did you see any large parties?

A. At a later hour in the day, after I had secured my own premises, I went out with a view of ascertaining the state of the town.

Q. You say you sent the boys home, what was the reason?

A. I feared the most serious consequences from the influx of strangers and the meeting; many boys were absent from school, and did not come at all.

Q. Many were absent and did not come?

A. During the short time we were in the school, several parents sent for their boys away, after which I dismissed the school.

Q. I think you say that you yourself went out to make observations?

A. I did.

Q. Where did you go?

A. I went to the house of the steward of the school, which is next to the Star Inn.

Q. That is the house where the Magistrates are accustomed to meet?

A. So I understand.

Q. What did you observe there?

A. I remained in the house some time, and was going home just when the party who were conducting Mr. Hunt to the ground turned from St. Mary's Gate into Deansgate.

Q. St. Mary's Gate leads from the Exchange?

A. It leads from the Exchange.

Q. Did you see Hunt?

A. I did; I went back; it was impossible to pretend; I returned into the house.

Q. You saw Hunt?

A. I went into a room on the first floor of the stationer's house.

Q. Describe what you saw?

A. From the window there, I saw the whole party conducting Mr. Hunt pass by. Mr. Hunt himself was in an open carriage, with others: they stopped opposite the Star, and shouted, groaned, and hissed.

Q. Did they stop at all when that was done?

A. They did.

Q. Opposite the Star?

A. Opposite the Star; after a time they proceeded.

Q. At the time they were opposite the Star and hissing, to what place was their attention directed?

A. To the Star Inn.

Q. They then proceeded?

A. They then proceeded to the end of Back King-street.

Q. Which leads to the Police Office?

A. Yes.

Q. About one hundred yards further. When they got to the street leading to the Police Office, what did they do then?

A. They did the same.

Q. Do you mean, shouted, groaned, and hissed?

A. Yes.

Q. To what place did their attention then seem to be turned?

A. Towards the Police Office.

Q. Were there a considerable number of persons there attending Hunt?

A. A great number.

Q. Could you form any opinion as to their number?

A. I am not qualified to judge of numbers.

Q. Was the street full?

A. The street was full for a great length of time.

Q. Was the body of those who passed, collected together, or stretched over some distance?

A. Stretched over some distance; the hissing came chiefly from the part nearest the marriage, not from the whole body.

Q. And continued along the line for some distance?

A. For some distance.

Q. Was you enabled to see whether Hunt took any part in this?

A. I did not observe.

Q. You have said you was alarmed before this; what were your fears then?

A. My fears were much increased; so that I should have been very thankful if my wife and children had been a distance from Manchester.

Q. Did you feel then serious alarm for the safety of your wife and children?

A. Yes.

Q. Was it merely from the numbers of the people, or the way in which they demeaned themselves?

A. From their demeanour opposite the Star; paying no respect to those whose bounden duty it was to protect the inhabitants and preserve the peace.

Q. Observing their conduct and demeanour, did it seem to proceed from a view to disrespect and insult towards those authorities?

A. I conceived it did.

Q. Did other people seem to feel the same alarm?

A. Yes.

Q. From what did you infer that?

A. From the conversations I had with many of my neighbours, I am convinced there was a great alarm.

Q. Did you observe the doors and windows of the shops in Deansgate?

A. They were generally shut up.

Q. The shop windows?

A. They were generally closed; some doors were open.

Q. Deansgate is one of the most frequented streets?

A. It is.

Q. There are a great number of shops in it?

A. There are.

Q. Was there any kind of business carried on during the time you was there?

A. I did not observe any.

Q. And the doors and windows of the shops were closed?

A. Closed generally; some doors were open.

Cross-examined by Mr. Blackburne.

Q. It is rather a narrow street, Deansgate?

A. It is not very wide.

Q. I believe it is not very unusual, when there are a multitude of people passing, for the shopkeepers to close their windows?

A. It may be done.

Q. To prevent the pressure on the windows, and breaking them?

A. They were open before the people came.

Q. You say you sent your scholars home?

A. The day scholars.

Q. The day scholars are the principal part of your establishment?

A. I have fifteen boarders now.

Q. I do not mean to say, that you have not a very excellent establishment?

A. I cannot tell you what number of day scholars there are.

Q. At what time was it you sent the day scholars home?

A. I think soon after ten o'clock; we returned into the school from breakfast at half-past nine, and, as far as I recollect, we did not remain long together.

Q. There were a great number?

A. Fifty or sixty.

Q. You sent them home?

A. Yes.

Q. You could not go with each of them?

A. It would have been impossible.

Q. Then they went by themselves?

A. By themselves.

Q. Were they big boys and little ones?

- A. Boys of all ages.
- Q. Had you began to feel this alarm before you sent them home?
- A. Yes.
- Q. Whereabouts in Manchester do you say your school was?
- A. In Long Millgate.
- Q. And I suppose your boys came from all parts of the town?
- A. All parts.
- Q. You locked up the remainder of your boarders?
- A. The boarders and my own family.
- Q. Have you a play-ground?
- A. On the premises.
- Q. How long did you stay away?
- A. Till Mr. Hunt had passed by.
- Q. That might be altogether about two hours?
- A. Yes.
- Q. And then your alarm increased by the disrespect shewn to the authorities, by the shouting, hissing, and groaning?
- A. Yes.

Re-examined by Mr. Starkie.

- Q. Was you aware, before this, of the extent of the grounds of alarm, from the rumours that had reached you?
- A. I was aware of the general state of the country, and the principal transactions.
- Q. These were the grounds of your alarm?
- A. Yes; and the general state of the country.

John Barlow sworn : examined by Mr. Serjeant Hullock.

- Q. You live at Manchester?
- A. Yes.
- Q. And are an innkeeper?
- A. Yes.
- Q. In what street did you reside in August, 1819?
- A. In Deansgate.
- Q. How far was your residence from the Police Office?
- A. One hundred and fifty yards, one part.
- Q. Do you remember seeing the party in which Mr. Hunt was?

A. I did.

Q. About what time did the party make its appearance?

A. About twelve; the strongest party about twelve, or half-past.

Q. When did that party in which Mr. Hunt was, come?

A. From half-past twelve till a quarter before one.

Q. He was in an open carriage?

A. He was.

Q. Had you an opportunity of seeing them opposite the place where the Police Office is situated?

A. I had.

Q. Did they make a stop there?

A. They did.

Q. How far were they when they stopped—at what distance from the office?

A. The carriage might be 150 or 160 yards when they stopped within view of it. I beg pardon, from 50 or 60 yards from the place where the carriage stopped, right within view of it.

Q. Had you an opportunity of observing any order given, or any thing that induced the stoppage?

A. I only heard the word "halt".

Q. You did hear the word "halt"?

A. Yes.

Q. Did the word "halt" proceed from the carriage where Mr. Hunt was?

A. Before the carriage.

Q. At the word "halt," did the party halt?

A. It did.

Q. Was Mr. Hunt, at the time, sitting or standing up?

A. I think he was standing.

Q. Did you observe any motion of him or any other person in the carriage—were either of them with their hats off?

A. Only when the carriage stopped; then those within and those without turned their faces towards the Police Office and hissed.

Q. What then happened?

A. They shouted, hissed and groaned.

- Q. During that time, was Mr. Hunt covered or uncovered?
- A. I am not certain.
- Q. Did you see any hats off?
- A. Those who were in the carriage waved the hats about their heads.
- Q. How long did they continue doing so?
- A. Not many seconds.
- Q. And then did you hear any word given?
- A. No; they proceeded on.
- Q. Had they flags and banners along with them?
- A. They had.
- Q. Were you in a situation to see?
- A. Yes.
- Q. Was there a black flag, with the words inscribed, "Equal representation or death"?
- A. Yes.
- Q. That was on one side; do you know what was on the other side?
- A. I do not.
- Q. Can you tell me whether those in the open carriage shouted or not?
- A. I am not positive.
- Q. You say there was a large party along with this carriage?
- A. A very large party.
- Q. Had any of the persons, as far as you could observe, any sticks?
- A. They had.
- Q. Those about the carriage?
- A. Yes; before, about, and after.
- Q. Did they walk in order, in a sort of column?
- A. They did.
- Q. Had many of them sticks?
- A. A great many.
- Q. And of what appearance or size?
- A. Very large, in general.

Q. Did they use them as walking sticks, or in what way did they carry them?

A. Some walked with them; some carried them on their shoulders, the same as firelocks.

Q. Had you heard, before this day, of the intended meeting?

A. I had.

Q. Was you aware of the meeting to be held on the 9th.?

A. I heard there was to be one on the 9th.

Q. Was you at all acquainted with the general state of the country at the time?

A. I was not.

Q. You saw straggling parties before?

A. A great many.

Q. Were these parties accompanied by music or banners?

A. They were merely straggling parties.

Q. Was this the only large party?

A. There was one before, and another after; the largest was before.

Q. Had the large party any accompaniment of banners and music?

A. It had.

Q. About what number might that party consist of?

A. I really cannot say.

Q. You have seen regiments of soldiers marching out of Manchester?

A. I have.

Q. Was it as large or less?

A. I became so alarmed from what I had seen, that I was obliged to close the doors and window-shutters, and burn candles in the room.

Q. Do you know whether similar precautions were taken by your neighbours?

A. Some few.

Q. State precisely, if you please, the reason that operated on your mind, that induced you, in the middle of the day, to shut up your windows, and close your doors?

Y

A. I thought we should have a disturbance.

Q. Did you think the disturbance likely to ensue, would have put your property in danger?

A. I did.

Q. From the number of persons you saw enter the town that day, and the mode in which they conducted themselves when in Manchester, did you consider the town in danger?

A. I did.

Cross-examined by Mr. Evans.

Q. Did you ever see any other procession going through Deansgate?

A. None so large.

Q. Did you never see the shutters shut on any occasion before?

A. I never did; not for people passing in the day time.

Q. You had a great deal of property to be put in peril?

A. It was my all.

Q. Pray what property had you?

Mr. Justice Holroyd.—I am of opinion he is not bound to state the value of his effects.

Q. Will you swear that when you saw these sticks on their shoulders, you did not believe they were musquets?

A. I knew they were not musquets.

Mr. Serjeant Hullock.—You know a stick from a musquet.

William Gould sworn: examined by Mr. Serjeant Cross.

Q. You was a merchant at Manchester, in the year 1819?

A. Yes, at that time.

Q. Had you a warehouse in the town at that time?

A. Yes.

Q. Was you attending your business, in the course of the morning of the 16th. August?

A. I was.

Q. Did you see any of these bodies of people march into the town?

A. I did.

Q. Did you apprehend any danger to the peace or safety of the town?

A. A very great.

Q. Any for your own property?

A. Certainly.

Q. Did you take any measures in consequence of those apprehensions?

A. We ordered the windows to be shut, the shutters to be closed?

Q. Of your warehouse?

A. Yes; and the doors ready to be barricadoed at a moment's notice.

Q. Did any of your neighbours do the same?

A. I believe they did.

Q. Do you happen to know whether they did?

A. Several that I knew, shut up their warehouses.

Cross-examined by Mr. Evans.

Q. You say several did.

A. They did.

Q. And several did not?

A. I don't know any that did not.

Q. You know some did?

A. I don't know the rest did not?

Q. Do you know Mr. Greg of Manchester?

A. I do not. I saw him in the box the other day.

Q. Is he a merchant?

A. He is a merchant; I have no personal acquaintance with him.

Q. But you do know he is a merchant at Manchester?

A. Certainly.

Q. And a man of considerable property there?

A. Certainly.

Q. Mr. Sanderson, do you know him?

A. I saw him the other day.

Q. Do you know whether he is a person of property in Manchester?

A. I do not. I believe he has a warehouse at Manchester.

Edmund Simpson sworn: examined by Mr. Littledale.

Q. I believe you are a hatter in Deansgate?

A. Yes, sir.

Q. Do you remember, on the morning of the 16th. August, 1819, persons passing along Deansgate?

A. Yes.

Q. What time did they begin?

A. About ten o'clock.

Q. In what direction were they passing?

A. Crowds together; then there was a lot came in a body; there were men went about ten o'clock, then we shut up the shop.

Q. What time did you shut the shop up?

A. About ten o'clock.

Q. Though you shut up the shop, did you observe them passing from any of the windows of the house?

A. Yes; I went up stairs.

Q. What time did they continue; where were they going towards?

A. They were going towards St. Peter's Field.

Q. Were they going all of them in irregular bodies, or were any of them in regular order?

A. About eleven, I think, there was a many came in regular order; eleven or twelve.

Q. Explain what you mean by regular order?

A. They were marching like soldiers?

Q. Did you see how many of these bodies there were, that marched like regular soldiers?

A. There was a body that went the first, before Hunt came up.

Q. Did you see Hunt pass?

A. Yes.

Q. Was there a great body with him?

A. Yes.

Q. From the number of people who passed, and the mode in which they passed, did you feel any alarm?

A. Very much alarm.

Q. What was it you apprehended?

A. I thought there would be a disturbance at night.

Q. Do you remember any thing attracting your attention, when they were passing the end of St. Mary's Gate?

A. Yes.

Q. What did they do then?

A. The bugle sounded to halt; and it sounded to go on when they had halted.

Cross-examined by Mr. Evans.

Q. You shut up shop at ten o'clock?

A. Yes.

Q. How many people had passed then?

A. A great many.

Q. How many?

A. I cannot tell how many; numbers of people were passing.

Q. You had a great deal of property to take care of?

A. I had some property.

Q. You got up to the top room of your house?

A. No.

Q. Where did you go to; what part of your house?

A. I went to the dining-room, up stairs.

Q. Did you go out at all after?

A. No.

Q. Why didn't you get under the bed?

Thomas Styan sworn: examined by Mr. Sturges.

Q. Was you a gunsmith in Manchester on 16th. August, 1819?

A. Yes, I was.

Q. Where was your shop?

A. In Market-street.

Q. That is not far from the Exchange?

A. Near at the bottom.

Q. Did you observe considerable bodies of people coming past, that morning?

A. Yes, I did.

Q. Did you keep your shop open that day as usual?

A. I shut t up at eleven o'clock.

Q. Both doors and windows?

A. Both doors and windows.

Q. Had you a considerable quantity of fire-arms in your shop?

A. A great many.

Q. Gunpowder also?

A. Yes.

Q. How long did you keep the shop closed, in the way you have described?

A. Till about three o'clock.

Q. In the afternoon?

A. In the afternoon.

Q. What was the reason of your doing this?

A. I was afraid the people would come in and take the fire-arms; my family was also afraid.

Q. And your family also was afraid, I think you say?

A. Yes, sir.

Q. Did you go out that morning?

A. No; I did not.

Q. Why did you remain at home?

A. My family was afraid, if I went out, some danger would happen there.

Q. You say you opened your doors at three o'clock in the afternoon?

A. About three.

Q. Did you see any other shops were closed at that time?

A. Several.

Q. At that time, three o'clock in the afternoon?

A. Before three o'clock they were, sir.

Q. You saw several other shops?

A. I did.

Q. You have already stated you saw a great number of people coming?

A. Yes.

Q. From the numbers and the way in which they demeaned themselves, did you apprehend any danger to the town—any general danger?

A. Yes, I did.

Thomas Whittenbury Ollivant sworn: examined by Mr. Sergeant Hullock.

Q. You are a partner in the house of a silversmith at Manchester?

A. I am now, Sir.

Q. Were you at that time?

A. No, Sir; I was not.

Q. Were you in the shop at the time?

A. Yes, Sir.

Q. Who was the proprietor then?

A. It was carried on under the firm of John Ollivant and Co.; I came into partnership in October.

Q. Where is your shop situated; in what part of Manchester?

A. The corner of Exchange-street, and St. Mary's-gate.

Q. Is that in a public part of Manchester?

A. It is exactly opposite the Exchange.

Q. Do you remember the day in question, the 16th. August, 1819?

A. Perfectly.

Q. Was you in the shop in the morning?

A. Yes.

Q. Do you remember the crowd, the parties, beginning to assemble, beginning to come into the town?

A. I do.

Q. Do you remember seeing Hunt come in?

A. Yes, sir.

Q. Did you see him stop before the Exchange?

A. Yes, sir.

Q. With the whole of the people who were with him?

A. Yes, sir.

Q. Did you hear any word given for their stopping there?

A. I did not.

Q. You only saw that they did stop, in fact?

A. Exactly.

Q. Whilst they were so standing, did any thing take place that you heard?

A. They shouted.

Q. Whilst they were shouting, did they direct their attention apparently towards the Exchange?

A. I thought so.

Q. Was you in a situation whence you could see the steps of the Exchange?

A. Yes, I could.

Q. Were there any gentlemen or any persons upon those steps?

A. There were some few.

Q. You could not see in the windows, whether there were any persons there or not?

A. I don't recollect.

Q. Did your shop continue open throughout the whole of the day?

A. No, sir.

Q. Were the windows closed, and at what time of the day?

A. We began to close them about eleven o'clock.

Q. What induced you to take that step?

A. The protection of our property.

Q. Was your stock at that time a valuable stock?

A. Yes, sir; I considered so.

Q. What induced you to suppose that your property was in any danger at the time?

A. Because we were apprehensive that some disturbance might take place?

Q. From whom did you apprehend the danger or risk?

A. From the crowds of people.

Q. Whom you had seen enter the place in the way you have described?

A. Yes, sir.

Q. Did you remain at home during the day?

A. I remained at the shop till the usual time in the evening.

Q. You had not many customers, as your windows were closed?

A. We had very few.

Q. Do you remember whether you had fewer customers that day than on the day before, or the day after?

A. The day but one before, we most certainly had more.

Q. That is the market day, probably?

A. Certainly.

Q. Do you know, in fact, whether business experienced any interruption in the course of the day of which we are speaking?

A. Certainly it did; it was a check to business.

Q. To what hour of the day did you continue your windows in the state that you have described—closed?

A. Until about three o'clock.

Q. Did you think the danger had ceased then, or were you advised?

A. We were advised.

Q. The danger being, as it was considered, over?

A. Yes.

Mr. Justice Holroyd.—You considered the danger over?

A. Yes, we were given to understand so?

Q. By the Magistrates?

A. By Mr. Hay, and Col. Silvester.

Q. And in consequence of the communication which you received from those gentlemen, your windows were re-opened?

A. They were.

Q. You have stated that you closed your windows from an apprehension of danger to your own property, I ask you, whether, from what you saw and what you felt upon the occasion, you had reason to apprehend danger to the people in general of the town of Manchester?

A. Yes, sir; I should think so.

Q. In your judgment, was the peace of the town endangered by the number of people who came on that day?

A. I considered it was very likely that the peace would be broken.

Cross-examined by Mr. Blackburne.

Q. You were not the proprietor of the shop, at that time?

A. I was not.

Q. Who was?

A. It was carried on under the firm of John Ollivant and Co.

Q. John Ollivant then was the proprietor?

A. He was—my mother was part proprietor.

Q. Was he at the shop at the time, did he superintend at all?

A. He did.

Q. Does he still?

A. He does.

Q. He is here perhaps?

A. No, sir; he is not in Lancaster.

Thomas Holdstock sworn : examined by Mr. Serjeant Cross.

Q. I believe you were book-keeper to the house of Fielding and Co., calico printers in Cannon-street Buildings, in August, 1819.

A. Yes, sir.

Q. It was a pretty extensive and well-stocked warehouse, at that time, I understand?

A. It was.

Q. I believe the street consists for the most part of warehouses?

A. Entirely.

Q. Did you see any of the bodies of the people entering the town that morning.

A. I went to Watling-street, and saw bodies coming down Shude-hill; one of the bodies with colours flying; colours, and music, and caps of liberty.

Q. Did you see more than one?

A. They seemed to be all in a body, and they reached from the top of Shude-hill to Hyde's Cross, and then the line was not ended.

Q. Did you see more in other parts of the town?

A. I saw another in Mosley-street.

Q. That was in a different part of the town?

A. A different part of the town.

Q. Was any thing done to your warehouse, in consequence of their appearance?

A. Mr. Fielding had been on the road to see what was likely to be done; he came back between eleven and twelve, to say the people were coming in great numbers—

Mr. Serjeant Cross.—In point of order, we are not allowed to hear what was said to you.

Q. What was done?

A. I locked the warehouse up.

Q. When was that—between eleven and twelve?

A. A little before twelve.

Q. Did it appear to you, when these people entered the town, that the public peace was in perfect safety?

A. Certainly, it was not.

Q. Did it excite any apprehension of danger in your mind?

A. Perhaps not so much as in some others, because I did not conceive myself in that situation, that my property was in danger from them, as people who had a greater risk.

Q. Not as people who had a larger stock; you were a servant?

A. I was a servant.

Q. Had it the effect of suspending business?

A. Entirely.

Q. Were other warehouses in your neighbourhood shut, as well as your own?

A. A many were closing and some were closed, at the time we shut ours.

Mr. Serjeant Hullock.—Perhaps your Lordship would permit me to say, I am now going to another head of evidence, and it would be more convenient to me, this should be deferred till Monday. It is quite impossible we can approach any thing near the end of our case to-night. It will be more convenient. I am in your Lordship's judgment altogether. I cannot go through the next head. I certainly cannot expect to finish; that is my reason for now interposing.

Mr. Justice Holroyd.—I have been writing as fast as I can for many hours—let it be then eight o'clock on Monday.

Mr. Serjeant Hullock.—If your Lordship pleases. I am sorry, Gentlemen, to give you the trouble of coming again.

MONDAY, APRIL 8, 1822.

Witnesses

John Moore sworn: examined by Mr. Sergeant Hullock.

Q. Were you one of the two Constables of Manchester, in the year 1819?

A. Yes.

Q. The colleague of Mr. Andrew?

A. Yes.

Q. You came into office, we understand, in the latter part of the year 1818?

A. Yes, sir.

Q. From that time down to the month of August, 1819, had you opportunities, in your situation, of knowing the nature and state of the country and of the public mind at that time?

A. Yes, we had.

Q. You have seen Mr. Hunt, I presume?

A. Yes.

Q. Did you see Mr. Hunt at Manchester before the month of August, 1819?

A. I saw him in January.

Q. Upon what occasion had you an opportunity of seeing him then?

A. I saw him come into the town in an open carriage?

Q. I believe that is a cold time of the year in Manchester?

A. Yes.

Q. Was he attended, or unattended?

A. He was attended by a great mob.

Q. A numerous mob do you mean?

A. Yes.

Q. Of what description might that be composed?

A. They appeared to be of the lowest class.

Q. In what species of carriage, gig, or buggy, did he make his appearance?

A. In a barouche.

Q. Did it hold more than one?

A. There were several other persons with him.

Q. In the carriage?

A. Yes.

Q. Do you know from whence he was coming?

A. From Stockport, I believe; I saw him on the Stockport road.

Q. He was entering into Manchester by the Stockport road?

A. Yes.

Q. Was you acquainted with the persons of the people who were along with him?

A. Not at that time.

Q. From what has transpired since, do you know?

A. Yes.

Q. Who were they?

A. Johnson.

Q. Was there any other you afterwards saw?

A. I do not recollect.

Q. You know that Johnson was one?

A. I believe so.

Q. Did he pass through Manchester, or stop?

A. I saw him again near the Exchange.

Q. With the same accompaniments?

A. With the same accompaniments.

Q. What became of him finally that day?

A. He went to St. Peter's Field.

Q. Do you know in what part of January it was?

A. The 18th. January, 1819.

Q. Having arrived at St. Peter's Field, was any thing done?

A. I went back to the Police Office.

Q. Did you hear him address the people?

A. Not at that time.

Q. Did you go back again?

A. I went to the field; but not very near the hustings.

Q. Was he addressing the people?

A. He was on an elevated place; I did not hear him; some person was speaking from an elevated part?

Q. Was he present at the time?

A. I believe he was.

Q. At the time he was so speaking, was there a considerable crowd of individuals?

A. I believe there was.

Q. Were the effects of the meeting apparent some days after in Manchester?

A. They were.

Q. In what way did they exhibit themselves—in what way did you see the effects of that meeting?

A. By the unusual quantity of the lower orders that were continually in the streets.

Q. In your judgment, was the unusual quantity of people that appeared in the streets, subsequent to that time, to be ascribed to the appearance of Mr. Hunt?

A. Entirely.

Q. Do you know what became of him afterwards; did you see him again?

A. I saw him once, I believe.

Q. How long did Mr. Hunt continue at Manchester, at that time?

A. He remained till the Tuesday following.

Q. What day of the week was the 18th. January?

A. Monday.

Q. Then he was there a week after?

A. The Tuesday in the following week, in consequence of the disorderly state of the town, the Boroughreeve and Constables, I being one of the Constables, thought it right to request the Managers of the Theatre to close it.

Q. Why did you do so?

A. Because we understood that Mr. Hunt meant to be at the Theatre.

Mr. Blackburne.—Is that any thing like evidence?

Mr. Serjeant Hullock.—It is the strongest evidence that can possibly be offered, to shew the state and bad spirit of the public mind of the town of Manchester, from the time of Mr. Hunt's making his first appearance in it, downwards.

Q. In consequence of the observations of yourself and colleague of the unsettled state of the town, did you think that to recommend, or rather to request, the Manager of the Theatre to close it, was a proper step to be taken?

A. I did.

Q. Did you think that step a necessary step towards the preservation and tranquillity of the town?

A. It was; we adopted it solely with that view.

Q. You had no private interest to serve?

A. Not at all.

Q. Was the Theatre in fact closed?

A. Yes, it was.

Q. Did you happen to see Mr. Hunt that night?

A. No, I did not.

Q. Were there any individuals assembled to go to the play?

A. About five o'clock, the Boroughreeve and I went down to get a little refreshment—

Q. You say you went down to take a little refreshment about five o'clock, why did not you go down before that time?

A. It was hardly possible for us to get any regular refreshment during the whole of the week.

Q. What precluded you from taking refreshment as usual?

A. The number of communications brought, from time to time, to the Police Office, and which we thought it our duty to attend to.

Q. Did these communications relate to the unsettled state of the town?

A. Entirely.

Q. In your judgment, was the unsettled state of the town, the result of Mr. Hunt's visit to Manchester at that time?

A. It was.

Q. Do you mean entirely, or was it merely one cause that operated towards it?

A. I believe, entirely.

Q. You say that you went down to get some refreshment?

A. Yes.

Q. Did that going down to get refreshment lead you towards the Theatre?

A. No; it was in a contrary direction.

Q. Had you afterwards any occasion to see the Theatre?

A. We had scarcely sat down, when a message was brought to us that a mob had assembled round the Theatre, and were attempting to force the doors.

Q. Did you go down, in consequence?

A. Yes; we did.

Q. Both of you went down?

A. Yes.

Q. Describe to us the state of things when you got there?

A. We found a large body assembled round the Theatre.

Q. Before this time, had any public notification been made by the Manager, or any person in command in the Theatre, that there would be no performance?

A. Yes; a placard was posted up.

Q. In the Theatre?

A. In various parts of the town.

Q. Was any reason alleged?

A. I do not recollect.

Q. Then there was a public notification to that effect?

A. There was.

Q. What description of mob was it you found collected before the playhouse door?

A. It was growing dark, and we could not distinguish its character.

Q. Was it numerous?

A. Numerous.

Q. Did you see Hunt in the course of the night, or hear him?

A. No, sir.

Q. What became of the mob?

A. We got into the Theatre.

Q. Was the mob induced to go away?

A. They remained for some time at the Theatre.

Q. Was any attempt made by them to get into the house?

A. Many attempts were made to force the doors open.

Q. Without success?

A. Without success.

Q. You do not know when Hunt left Manchester, at that time?

A. I am not certain.

Q. You did not see him again, to your recollection?

A. I think not.

Q. From that time in the month of January, the time we have been speaking of, down to the subsequent month of August, were the duties of attendance at your office increased or diminished?

A. Exceedingly increased.

Q. Have the goodness to state to the Jury from what causes, and in what manner, that increase took place?

A. We attributed it to the discontented state of the working classes.

Q. Was your attendance, at that time, almost continual?

A. Almost continual.

Q. Had you opportunities of knowing the state of the public mind at Rochdale and other places?

A. Yes, we had.

Q. Mention the most populous places to which you refer?

A. Oldham, Ashton, Bury, and Bolton.

Q. Is there a place called Middleton?

A. Yes, Middleton.

Q. Stockport?

A. Stockport.

Q. And are all these populous places in the neighbourhood of your town of Manchester?

A. Yes, all of them within ten or twelve miles.

Q. From the information you possessed on the subject, was you

induced to believe that the state of the public mind in those places was of the same quality and description as in Manchester?

A. We had requested respectable individuals in those towns to communicate with us.

Q. Were the inquiries you caused to be instituted, the best calculated to give you information on the matter?

A. They were. We were particularly anxious to be correctly informed.

Q. Did you then receive information from those sources of the state of the different towns?

A. From time to time.

Q. Subsequent to January?

A. Yes.

Q. When was it you first heard (if you ever heard) of such things as any training or drillings going on at particular places?

A. Some weeks before the 16th. August.

Q. You saw, no doubt, the advertisement for the meeting of the 9th. August?

A. Yes, we did.

Q. How soon do you recollect to have seen that?

A. Very soon after it was published.

Q. It was posted up, as things of that sort generally are?

A. Yes.

Q. Had you received information of trainings and drillings, previous to that time?

A. Certainly.

Q. Had the information you received, come from one particular spot, or various places?

A. Various places.

Q. In consequence of the information you have just now stated you and your colleagues to have received, were your official labours increased?

A. They became almost intolerable.

Q. In your judgment, were they essentially necessary for the preservation of the public tranquillity?

A. We believed so.

Q. Were you at all assisted in these labours, by any of the gentlemen of the town?

A. The responsibility became so great, that we requested the gentlemen who had in former years served office, would form themselves into a committee to assist us.

Q. Did they comply with your request?

A. Yes, they did.

Q. Now tell us of what description of people that committee was formed?

A. Persons of the first consequence in the town of Manchester—persons of the first consequence and character.

Q. Were they men of property?

A. Yes.

Q. Were they gentlemen who had served the office of Borough-reeve and Constable, many or some of them?

A. They formed a considerable part; but there were many who had not served.

Q. But there were many who had served these offices?

A. A great many.

Q. Of what number might the committee consist?

A. I do not recollect; but I should think sixty.

Q. Sixty or seventy perhaps?

A. Yes.

Q. Was that committee selected from a larger number by you or any one else?

A. It was an open committee.

Q. At what period, according to your recollection, was that committee first appointed?

A. I believe sometime between January and August.

Q. After it had been so appointed, did the committee meet from time to time?

A. It did.

Q. Daily or weekly, or how?

A. Sometimes it met daily; and it was subject to be called together at other times by the Boroughreeve and Constables.

Q. I believe their meetings were held at the Police Office?

A. At the Police Office.

Q. How were the gentlemen originally convened — by you and Mr. Andrew, or in what way?

A. Many were convened by ourselves; many tendered, offered their services.

Q. Were these tenders made spontaneously, from a knowledge of the situation of affairs and the information they received, or by your desire?

A. I believe, in consideration of the great burthen thrown upon our shoulders.

Q. At the first meeting, was the information you had obtained communicated to the gentlemen who so attended; and, upon receiving that information from you, did they concur with you in the measures you adopted afterwards?

A. Every measure we adopted had their entire concurrence.

Q. Did you take any measure but such as, in your judgment, was necessary for preserving the public peace?

A. We did not.

Q. And in that judgment, they coincided with you?

A. Yes.

Q. From what you observed in January, and from the information you acquired afterwards, in your judgment, was a visit from Mr. Hunt to Manchester, likely to endanger the public peace of the town?

A. It was.

Q. Did you see him there on the 9th. August.

A. I believe I did not.

Q. You told us you was apprized of the intended meeting on that day?

A. Yes.

Q. The 16th. August having now arrived, was it necessary, in your judgment, to take every precaution that could be suggested, for the preservation of the public peace of the town of Manchester upon that day?

A. Yes.

Q. Your situation, of course, would lead you to have a communication with the different gentlemen of the Magistracy?

A. Very frequently.

Q. Upon the subject of the state of the town?

A. Yes.

Q. Can you tell us how often it was?

A. Constantly.

Q. Did you communicate to them, from time to time, the information you received of the state of the public mind?

A. Yes.

Q. Were the Magistrates, then, in possession of all the information which you possessed on the subject, on the morning of the 16th.?

A. I believe they were.

Q. I believe a committee of Magistrates had been appointed from the Magistracy of the counties of Lancaster and Chester?

A. Yes, there had.

Q. Do you know when that committee was appointed; about what length of time before the transactions of the 16th.?

A. I think it was in consequence of the calling the meeting of the 9th.

Q. In consequence of calling the meeting of the 9th., was there a general meeting of the Magistrates of the two counties?

A. That is the impression on my mind.

Q. The impression on your mind is, that the committee of Magistrates were appointed before the meeting of the 9th.?

A. Yes.

Q. I believe ten or twelve were appointed as the committee?

A. There were.

Q. Of whom Mr. Hulston was the Chairman?

A. Yes.

Q. After the meeting of the 9th., in Manchester, did these gentlemen assemble, from time to time, to deliberate on the subject?

A. They did.

Q. You would, of course, know, of your own knowledge, by attending them?

A. Yes.

Q. None of these gentlemen were inhabitants of Manchester, they came from a distance?

A. They came from a distance.

Q. Do you happen to know whether they did not meet every day?

A. I think they met almost daily.

Q. None of them were inhabitants of Manchester, some lived at a short distance, and some were remote from the town of Manchester?

A. Yes.

Q. Some in Cheshire?

A. Yes.

Q. Some in Yorkshire?

A. Yes.

Q. And others in this county, but at a distance?

A. At a distance.

Q. Were the meetings of the Magistrates, from time to time, almost daily, owing to the state of the public mind?

A. I believe, entirely.

Q. Did you see the people march in different divisions on the 16th?

A. I was engaged in the direction of the special constables.

Q. What time did you go on the ground on the morning of the 16th?

A. About eleven o'clock.

Q. Of what description of persons were the special constables composed?

A. Persons of considerable respectability, many of the first.

Q. Persons of property in the town?

A. Persons of property in the town.

Q. About what number might there be?

A. From 300 to 400.

Q. Of the description you have stated?

A. Yes.

Q. Did these gentlemen come forward voluntarily, or when did they apply to you?

A. Many, came forward, on the morning of the 16th., to be sworn in; others had been sworn in before.

Q. Others had been sworn in before?

A. Yes.

Q. What time did the Magistrates meet at the house of Mr. Buxton?

A. Soon after eleven.

Q. Had you received any directions, or did you undertake to preserve a communication between that house and a cart?

A. The Magistrates had signified a wish that we should preserve a communication.

Q. There was a cart?

A. There was a cart.

Q. Which acquired the name of hustings, from the purpose for which it was applied?

A. Yes.

Q. What means did you adopt to form a communication of that sort?

A. We formed a double line of constables, parallel to each other.

Q. What distance from each other?

A. Nearly two yards; it might vary sometimes.

Q. Were these lines pushed up as far as the hustings or cart?

A. In the first instance, they were up to the cart.

Q. Did they remain so, did they continue so?

A. No, sir; the communication was interrupted.

Q. Did you see the interruption actually take place, nor did you see it after it had occurred?

A. I did not see it till it had actually taken place.

Q. State what occurred afterwards?

A. I went into Mr. Buxton's house, and during my absence, the interruption had taken place.

Q. By what means did that appear to you to have been effected?

A. By the interposition of a great body of persons between the constables and the hustings, by which the communication was cut off. I endeavoured to restore it.

Q. Did you succeed in your attempt?

A. I found I could not do it without ill-blood; without creating some uneasiness.

Q. Therefore you abstained?

A. I was anxious to avoid it.

Q. Did you make any request to the people to give way, so as to restore the communication?

A. Yes, I did.

Q. Did they know your character and situation?

A. Yes; I held up my staff of office.

Q. But your request was fruitless?

A. Yes; I found I could not do it without force.

Q. You say all your endeavours up to this time, had been, as far as you could devise them, calculated for the peace of the town?

A. Entirely.

Q. And you saw the different parties come on the ground?

A. Very indistinctly.

Q. Do you remember Hunt's arriving?

A. I do; I went into a higher room of Mr. Buxton's house, to see how he would be received.

Q. In what way was he received?

A. By tremendous shoutings.

Q. Was he received as a person who seemed to possess influence, or as a common individual?

A. As a person who possessed unbounded influence.

Q. How did he get to the hustings; through the immense body of people assembled?

A. The car in which he came was drawn up to the hustings.

Q. How did he penetrate the mass of people?

A. They seemed to give way.

Q. Did the approbations and shoutings continue during the whole time of his approach to the hustings?

A. Yes; they did.

Q. Were there any banners or colours at that time displayed?

A. A great many.

Q. In what part of the field did they appear—in any particular part?

- A. Near the hustings.
- Q. Did you see him ascend the hustings?
- A. I do not recollect seeing him distinctly.
- Q. How soon after that was you sent for, or did you go into the Magistrates' room?
- A. Very shortly after that I was sent for.
- Q. Into their room?
- A. Yes, sir.
- Q. What took place when you got into the room?
- A. I found a warrant had been issued.
- Q. In whose hands, as far as you recollect, was the warrant at that time?
- A. I believe in the hands of Mr. Nadin.
- Q. The deputy constable?
- A. Yes.
- Q. Was it put into your hands?
- A. It was put into my hands by Mr. Hulton.
- Q. Mr. Hulton, the chairman of the committee, took it from Mr. Nadin, and gave it to you?
- A. He gave it to me.
- Q. Have the goodness to look if that is it: (shewing the warrant) is that the warrant so handed to you by Mr. Hulton?
- A. I believe it is.
- Q. What was said at the time?
- A. It was a warrant for the apprehension of certain persons.
- Q. Whose names are therein mentioned?
- A. Yes.
- Q. What was done after that, did you leave the place with the warrant?
- A. I did.
- Q. Was Mr. Andrew there?
- A. Yes.
- Q. Mr. Nadin, Mr. Andrew, and the Boroughreeve were in the room?
- A. Yes, they were.
- Q. Therefore any conversation before, on the subject of the military, you are a stranger to?

A. Yes.

Q. In your judgment, at that time, from the state of things, would it have been a safe or practicable measure, to have executed the warrant without the aid of the military?

A. I think it would have been impracticable.

Q. Was that your judgment at the time, from the appearance of things?

A. Yes, it was.

Q. State to us what became of the warrant, what was done, and how it was done?

A. We went down stairs, and the Boroughreeve mounted his horse, and placed himself on the left of the Yeomanry, who were at that time come up.

Q. One troop?

A. I believe, one troop.

Q. Do you know of what number it was composed?

A. No, I do not.

Q. Major Trafford commanded?

A. Major Trafford commanded.

Q. He was Major Commandant?

A. Yes, he was.

Q. And he was with the troop?

A. I believe he was; I do not remember seeing him.

Q. Do you know whether you had seen him on the field before this time?

A. I think not, at that time.

Q. Did you say any thing to the Boroughreeve?

A. I requested the Boroughreeve to dismount, as I was afraid, we could not keep up with him on horseback.

Q. Did he do so?

A. He did.

Q. Well?

A. We moved on; when we came near the hustings, in consequence of the extending of the Cavalry outwards, there was a great pressure of the crowd, and I was thrown down, and remained so for a short time.

Q. By what was you thrown down?

A. By the pressure of the crowd, in the first instance.

Q. How soon was you able to extricate yourself from that situation?

A. A minute or two might have elapsed.

Q. Now up to that time, had any one of the Cavalry struck or offered to strike the people?

A. I did not see any thing of the kind.

Q. If any thing of the sort had taken place, should you have seen it?

A. If it had been near me, I must have seen it.

Q. And nothing of the kind occurred?

A. No.

Q. Who had the warrant during this time; was it in your custody or in the custody of Nadin?

A. Mr. Nadin had it.

Q. I believe when you recovered yourself the thing was all over?

A. I was thrown down a second time by one of the 15th.

Q. The warrant had been executed then?

A. It had.

Q. You say one of the 15th. threw you down?

A. A soldier on horseback.

Q. From what you saw that morning, Monday, and from what was in your knowledge before, to the best of your judgment, was the town of Manchester in danger by the mob?

A. I conceived it in very imminent danger.

Q. In your judgment, was this mob under the controul of Mr. Hunt, calculated to endanger the public peace?

A. Very much so.

Q. Had you no opportunities of seeing the state of the town, from your engagements on the field?

A. No; I was engaged on the field.

Q. You say there were 300 or 400 special constables?

A. Between 300 and 400.

Q. You have stated that, in your judgment, the aid of the military was requisite?

A. Most undoubtedly.

Q. Why?

A. Because the civil power was so inefficient, at least in my mind.

Cross-examined by Mr. Blackburne.

Q. In what trade are you, Mr. Moore?

A. I am not in any trade.

Q. Are you a gentleman?

A. At that time I was not in any profession or business, nor am I at this time.

Q. You ordered the Manager of the Theatre to shut the play-house?

A. We requested him.

Q. And he did so?

A. He did.

Q. What time of the day was that?

A. After one o'clock.

Q. Did you see any bill posted up, intimating that there would be no play, till after it was dark?

A. We undertook to get the bills posted up ourselves.

Q. Were they posted up before it was dark?

A. I have every reason to believe so, but I did not see them.

Q. You did not see any?

A. I did not see any.

Q. The persons assembled did not succeed in getting in?

A. They did not.

Q. You say that before the 18th. January, the duties of your office were so great that you could not find time to get refreshment?

A. After the 18th.

Q. I understood you to say that the duties of your office were so irksome, that you could not even find time to get refreshment?

A. From the 18th. to the 25th. entirely so; indeed, throughout the whole of my year.

Q. The duties of your office had increased?

A. Certainly.

Q. You had to sit up all night, perhaps?

A. Frequently.

Q. And that continued till the 16th. August?

A. With intermissions.

Q. Were you at the Police Office generally?

A. Very often.

Q. Was you there on the Saturday before the 16th?

A. I believe not.

Q. Was you there at any time when Mr. Hunt came to offer himself, in order to see whether there was any charge against him?

A. I was not; I had requested permission to go to Buxton for a few days; I was unwell from the fatigues of office.

Q. Then you did not see him?

A. No.

Q. You went on to the ground about eleven o'clock?

A. About eleven o'clock.

Q. Was you the person who formed the two lines of special constables?

A. I assisted.

Q. At the time you formed it, how many carts were there?

A. I think only one.

Q. There were ultimately two?

A. Yes; there were.

Q. Did you see the second come?

A. I do not recollect seeing it come; I saw there were two afterwards.

Q. Was the line of constables interrupted, until the second cart came?

A. I do not recollect.

Q. Was the second cart there when you first saw the interruption?

A. I think not.

Q. You think it was not there?

A. I think it was not.

Q. What time was it when you discovered this interruption had taken place?

A. When I had found the interruption had taken place, it was about twelve.

Q. The line of constables still continued to a certain distance?

A. They rested on the compact body of the people.

Q. How far distant from the hustings?

A. Ten or twelve yards.

Q. There was a very great crowd about the hustings?

A. There was.

Q. You could not restore this communication, you say, without ill-blood?

A. That was my impression.

Q. You being on the field would see the various parties?

A. Very indistinctly.

Q. But you say there was a shout at the coming on of each party?

A. I believe there was.

Q. Mr. Hunt came only with one party?

A. I believe so.

Q. He came in a carriage — were there two horses?

A. I did not see it.

Q. It went slowly?

A. I believe it did.

Q. And moved slowly up to the hustings?

A. I believe it did.

Q. As it approached the people, they gave way to let it pass?

A. I believe they did.

Q. You say the warrant was given to Mr. Nadin?

A. I think it was in the hands of Mr. Nadin when I went in.

Q. Did you precede or follow Mr. Nadin?

A. I believe I followed him; I was very near him.

Q. He went the first of the constables?

A. I believe he might.

Q. The Cavalry went before him?

A. He went on the left of the Cavalry.

Q. But the Cavalry were before him?

A. Very little.

Q. Still, some little?

A. I apprehend scarcely any; we endeavoured to keep in line with them?

Q. Why, Nadin had drawn up all the special constables to Mr. Burton's house?

A. I believe not.

Q. You will swear that?

A. Yes.

Q. I suppose he is here?

A. He is here.

Q. You say you was knocked down by the pressure of the crowd?

A. Yes.

Q. How far had the Cavalry gone before you recovered yourself?

A. I was knocked down again.

Q. Where was the Cavalry?

A. It had surrounded the hustings.

Q. Between the first fall and the second, you were scarcely ever on your legs?

A. Never.

Q. Your second fall was caused by a horse running against you?

A. I believe it was.

Q. You apprehend, by one of the 16th?

A. Yes.

Q. From your first fall, from that time to the second fall, you was in such a situation as not to be able to observe what was passing around you?

A. Certainly.

Q. How far was you from the hustings when you first fell?

A. I should think, twenty yards.

Q. Now, Captain Birley, I believe, led up the Manchester Yeomanry?

A. I believe he did.

Q. Did you see Meagher, the trumpeter?

A. I did not know him at that time.

Q. Did you know Oliver, and Mr. Withington?

A. I knew Mr. Withington; Oliver I did not.

Q. Was he there?

A. I believe he was.

Q. He was an officer at that time in the corps—I mean Mr. Withington?

A. Yes; I believe he was.

Q. When you first rose, did you look about to see what had become of the Manchester Yeomanry?

A. I do not recollect what was my first impression, I was exceedingly shaken.

Q. Did you see, afterwards, whether they were dispersed about the field?

A. I do not recollect seeing them at all.

Q. Do you know how many they consisted of?

A. No.

Q. Do you not know what number of troops there were in Manchester on that day?

A. I cannot say.

Q. Cannot you tell within any reasonable bounds?

A. I cannot.

Re-examined by Mr. Serjeant Hullock.

Q. About these bills—these play bills, you gave orders that they should be printed?

A. The Manager said it was so short a time, that we undertook to get them printed and posted up?

Q. You took on yourselves to get them printed?

A. Yes.

Q. And to post them up?

A. Yes.

Q. Whether they were posted up, you cannot say?

A. No.

Q. You say you was not at the Police Office on the 14th. that was Saturday; had your health suffered prior to that time?

A. I was afraid, if I did not retire, I should not be able to attend on the 16th.

Q. When did you go to Buxton ?

A. On the 11th.

Q. When did you return ?

A. On the Sunday morning.

Q. Should you have returned, but for the meeting the day following ?

A. I apprehend I should not.

Q. You say you knew Mr. Withington was a member of the corps ?

A. Yes.

Q. Do you remember whether you saw him with the troop ?

A. I do not remember seeing him with the troop.

Q. Do you know what rank he held in the corps on that day, was he captain or lieutenant ?

A. Lieutenant.

Q. I believe there was only one troop when they went up to the hustings ?

A. I believe not.

Q. You do not know whether Major Trafford was there ?

A. I saw him that day.

Joseph Nadin sworn : examined by Mr. Serjeant Cross.

Q. Mr. Nadin, you were the deputy constable of Manchester at the time these transactions occurred ?

A. I was.

Q. And had been for many years before ?

A. Yes.

Q. For twenty years, if not more ?

A. Might be more or might be less.

Q. Or thereabouts. You have since retired, I believe, from that situation ?

A. Yes, from deputy constable I have retired, but I am a constable still.

Q. Do you recollect the first arrival of Hunt in Manchester, in the month of January in that year ?

A a

A. Yes.

Q. Did you find the town more quiet or more disturbed, during his visit?

A. More disturbed.

Q. Was that the case during the whole of the week that he staid there in January?

A. Yes; either one time of the day or another, there was somewhat to do.

Q. And the night?

A. I was at the Theatre one night when there was a disturbance.

Q. What, was he there?

A. Yes.

Q. Were any of the persons with him then, whom you arrested on the bustings, upon the 16th.?

A. I think Johnson was there, and a man of the name of Chapman, and Whitworth.]

Q. Johnson and he were there together?

A. I believe there were four in the box.

Q. Were they in a retired or a conspicuous situation?

A. In the stage box, near to the stage.

Q. Hunt, and Johnson the brush maker, and the other two whom you named?

A. Yes.

Q. You were saying there was a disturbance there at the time?

A. Yes.

Q. What gave occasion to it?

A. I don't know what gave occasion to it, but they were carrying Chapman out of the Theatre.

Q. One of Hunt's company?

A. Yes.

Q. There was a disturbance?

A. Yes; and I told them I would not allow any person to be took hold of: they might go about their business. They went away, and came into the Theatre again.

Q. Was there a good deal of uproar in the house, or not?

A. There was.

Q. From thenceforth to the month of August, did you find the labours of your office increased or diminished?

A. Increased very much.

Mr. Justice Holroyd.—When?

Mr. Serjeant Cross.—From January to August.

Q. You were at the meeting on the 16th. August, I believe?

A. I was.

Q. The body of special constables, we understand, were assembled first in a place called St. James's Square—was that so?

A. Yes.

Q. How many in number?

A. I cannot tell.

Q. 200 or 300?

A. 300 or 400, I suppose there might be, more or less; I cannot speak to the number.

Q. And they were stationed afterwards upon the field near St. Peter's?

A. They were.

Q. In two lines?

A. In double line.

Q. Did you move up and down among them, in the course of the morning?

A. Frequently, till Hunt came.

Q. Did you observe how the space between the further extremity of the line and the hustings was occupied?

A. When I came, there were a few people between the line of constables and the hustings till the black flag came; when there was a rush, and they were separated a great way from the hustings.

Mr. Justice Holroyd.—When the black flag came, what then?

Mr. Serjeant Cross.—There was a considerable rush, and the constables were separated a good way from the hustings.

Q. Did you observe whether the persons who rushed into the space, had any hold of, or touched each other any way?

A. I had observed their being linked together before the black flag came.

Q. And after that, did they continue so linked, or had they separated?

A. They linked together more after that, when the black flag came; and I saw several people coming out of the crowd, and they unlinked to let them come out; some were poorly—two or three.

Q. In what manner were they linked?

A. Arm in arm.

Q. How many in depth, to the best of your judgment, between the constables and the husting, were they linked arm in arm?

A. After I had got the warrant ———

Q. We will come to that presently.

A. I could not ascertain till after I had got the warrant.

Q. How many in depth were they linked then?

A. I should think ten or twelve, in the part where I was.

Q. In the part where you went with your warrant afterwards?

A. Yes; I had it with me.

Q. Previous to your going with the warrant, had you heard any of the persons so linked say any thing about yourself?

A. There was a man I had often seen at the meetings before, with a roll of paper apparently, in his hand, and I saw him at the play-house the night that Hunt should have come.

Q. In January do you mean?

A. Yes.

Mr. Justice Holroyd.—You say a roll of paper?

A. Apparently, my Lord, it was brown paper, and I saw something at one end of it.

Q. Did he say any thing?

A. No; he went in amongst the crowd.

Q. Before you had your warrant, and while you were near the persons linked, did you hear any of them say any thing about yourself?

A. There were reformers came up to the end of the line of constables for a length of time before.

Q. Did you hear any of them say any thing about yourself?

A. That was when I was in the line of constables.

Q. Let us hear what that was?

A. They came to look at us.

Mr. Justice Holroyd.—Before you had got your warrant?

A. That was before the warrant.

Mr. Justice Holroyd.—What then?

A. They said, "that is Joseph."

Q. Well?

A. Others said, "he has a great guts, he has more meat in his belly than we have."

Q. Well?

A. Another said, "this is the black mob."

Mr. Justice Holroyd.—Alluding to you?

A. I took it they alluded to the constables that were there. Another said, "they have very good coats to their backs, they have better coats than we have."

Q. What then?

A. When this man that had the roll of paper entered the mob, they unlinked.

Q. Did that admit him to or from the hustings?

A. He appeared to me to be going towards the front of the hustings.

Q. Did you hear any thing about spy?

A. I thought I would follow him, and we were going down—

Mr. Justice Holroyd.—Did you endeavour to follow him?

A. Yes; I thought I would see what he was going to do.

Q. Did you endeavour to follow him?

A. I did, and went several paces; somebody said, "a spy."

Q. Were you then near the persons who were linked?

A. I had got past some, through the opening.

Q. Through the opening that was made to let this man through?

A. As soon as the word "spy" was, then they stopped me; I did not go any further. Some one said, "it is Joseph," when, on its being repeated lower down, I could not gather the expression, but it was either "knock him down and keep him down," or "put him down and keep him down; I could not tell what it was.

Q. Did you soon extricate yourself from that situation?

A. I went back again.

Q. Did you observe any sticks among the multitude that morning?

A. As they marched on to the ground, I saw sticks, and some large ones.

Q. From all that you had observed that morning amongst the multitude, previous to your receiving the warrant, did you deem it practicable to execute the warrant without military aid?

A. I did not.

Q. Did you think it could be attempted with safety to the lives of the peace officers, without that assistance?

A. I durst not do it, from the reception I had received a few days before that.

Q. On what occasion?

A. The execution of a warrant on a former occasion. The boroughreeve, and constables, and me, and two or three of the beadles, were called to the New Cross; the paper sticker was posting bills;

Q. To post bills, for what purpose?

A. We had sent a bill sticker, and two of our men with him.

Q. For what purpose?

A. I don't recollect what it was for.

Q. What befel you all on that occasion?

A. We went to the place where it was said our men were in the house, and they were stoning the house; we went through the mob.

Q. It was four days before?

A. It was some day before; when we had got through the mob, there was a shower of stones came upon us.

Q. What became of the peace officers?

A. Mr. Moore and Mr. Clayton got away, and Andrew and me, and the two beadles, could not get away well; we got on the outside, and turned down Oldham-street, and then Mr. Moore and Mr. Clayton were bringing in the military.

Q. Without entering into the particulars of the transaction, did you judge it necessary, on that occasion, that you should have military assistance?

A. Yes; and I was much alarmed besides, for I had sent our men to the office to guard the house and the office.

Q. Then the recollection of that transaction, as well as what you saw on the 16th. August, contributed to deter you from executing the warrant without military aid?

A. Yes.

Q. The warrant, we are aware, was put into your hands; did you express that opinion to the Magistrates at the time?

A. Mr. Hulton, I believe, gave me the warrant, and I told him that it would be out of our power to execute it, without the aid of the military.

Q. Did you advance towards the hustings with the two chief constables?

A. No; I went down towards the hustings first.

Mr. Justice Holroyd.—What after you got your warrant?

A. Yes.

Q. Did you go along the line of special constables?

A. I did, till where there was a crowd. Hunt came——

Q. Never mind him. Did you, at the moment, see how the people stood, between the head of the line of constables and the hustings?

A. Yes; I wanted to get on to hear what he was saying about knock down their enemies, and I could not get on.

Mr. Justice Holroyd.—Who was saying?

A. I think it was Hunt, my Lord.

Q. Did you perceive whether they were still linked?

A. Yes; the people between the constables and the hustings. I could tell when they were linked, because, when they had their arms together to each other, they swarmed back wards and forwards; they did not stand steady as the other mob.

Mr. Justice Holroyd.—In a uniform way?

A. Yes.

Q. Did you return to join the boroughreeve and the constables?

A. I returned to the Magistrates' house; I did not see, then, the boroughreeve and the Manchester Cavalry.

Q. We have heard the story so often, I wish to confine your attention to the particular circumstances that you recollect; did you go up along with them, finally, to execute the warrant?

A. I drew the special constables back from the part where the crowd was.

Q. The upper end ?

A. I went to the upper end, and told them to draw back to the Magistrates' house.

Q. For what purpose did you do that ?

A. To let the Yeomanry come down.

Q. Did you draw them back ?

A. I drew them back ; and when I was coming back, there was a stone came from the house where some Quakers were, and lighted upon the ground where they went off.

Q. Fell upon the spot from which you had withdrawn the special constables ?

A. Yes.

Q. Did you afterwards advance with the other officers to execute the warrant ?

A. I asked Captain Birley——

Q. Did you advance to execute the warrant ?

A. I did not see Mr. Moore or Mr. Andrew——

Q. Did you go to execute the warrant or not ?

A. I followed the military down.

Q. But you did not go along with the peace officers—you did not go with Mr. Moore and Mr. Andrew ?

A. No, I did not : they started sooner than I thought they would, and I followed down.

Q. That gave you, perhaps, an opportunity of seeing how the military conducted themselves in their advance to the hustings ?

A. It did.

Q. Did you see them cutting the people at right and left, as they went along, with their swords ?

A. No, I did not.

Q. Do you think you should have seen it if they had done so ; those who were there before you ?

A. Yes, on getting to the hustings.

Q. I believe you finally got there, and assisted in taking the ring-leaders into custody ?

A. I took them.

Q. I believe you had been most in the habit of executing process?

A. Chiefly.

Q. That was your department?

A. Yes.

Cross-examined by Mr. Blackburne.

Q. Was it before or after you had got the warrant, that you drew the special constables back from Mr. Buxton's house?

A. After I had got the warrant.

Q. Did not you draw them back to Mr. Buxton's house?

A. Yes, I did.

Q. All that you could get?

A. I shouted out; I don't know whether there was all. There were some pressed back on the hustings: I heard that one was ~~tried~~ to death.

Q. You know that he was killed?

A. I did not see him, but I heard he was.

Q. But you drew all of them back that you could get, up to Mr. Buxton's house?

A. I shouted for them all to come up.

Q. That was before the Cavalry went forward?

A. It was.

Q. How far did the Cavalry go before you, when you went up to the hustings to execute the warrant?

A. Till they began to be impeded, where they were locked together, I believe they were all before me.

Q. And how far was that from the hustings?

A. I should think that might be, I thought once in my mind it was twenty yards.

Q. And what do you think in your mind now?

A. I think it was twenty yards.

Q. You thought once, and still think it was twenty yards?

A. It was not so much till the black flag came in.

Q. I am not talking about the black flag; I am talking about when the Cavalry came up to the hustings?

A. I think it was.

Q. They were impeded by the crowd?

A. A number of people.

Q. A crowd, a number of people, I suppose?

A. Yes; there was an immense mass of people collected about the hustings: there was the most people on the ground I ever saw in Manchester.

Q. Men, women, and children?

A. Mostly men, there were women.

Q. A great many women?

A. I didn't see so many.

Q. How many will you swear you saw?

A. I won't swear I saw one hundred.

Q. Did you see any children?

A. I don't know that I did.

Q. Then after you had drawn back these special constables, you went back to the Cavalry?

A. Yes; I went to Captain Birley.

Q. Captain Birley was commanding them?

A. I believe he was the Captain of the troop.

Q. Was he Captain of the troop or not?

A. He commanded them; either him or the trumpeter went first.

Q. Who was the trumpeter?

A. Meagher.

Q. They did both go up to the hustings?

A. They went the first.

Q. Where did the Lieutenant go?

A. Who is that?

Q. Lieutenant Withington?

A. I did not see him—I did not see him there at all.

Q. Did not you see him on the field that day?

A. I did not.

Q. Whether he was there or not you will not swear?

A. No; I cannot tell.

Q. Do you know Oliver?

A. I do not; nor did I ever see him till I saw him in this town.

Q. Then having drawn back the constables, you went back to Captain Birley?

A. I did.

Q. Then you say all the Cavalry preceded you, till you got within twenty yards of the hustings?

A. I don't think there was one behind me; they were all going to the back of the hustings.

Q. Where were Moore, Clayton, or Andrew—before or after you?

A. I don't know where they were.

Q. Have you never sworn they were after you, that they did not go before you?

A. What I said was, the constables were after me.

Q. Do you believe that to be so now?

A. I cannot tell.

Q. How came you to swear so before?

A. I don't know; I never saw them before. I was the man at the hustings first, and pulled Johnson off.

Q. You did not see them before?

A. I believe Andrew took Johnson from me, after I had pulled him off. I think so, but I will not be certain.

Q. But you kept the warrant with you?

A. I did.

Q. You did not give that to Captain Birley?

A. No.

Mr. Justice Holroyd.—It was not directed to Captain Birley.

Mr. Blackburne.—I only ask him the question.

Witness.—I kept the warrant till I gave it to Rutter, to give copies of it.

Q. Now I understand you, that you had passed many times backwards and forwards up this line of special constables, before the Cavalry came into the field?

A. Yes; I had been out of the line.

Q. And again among the multitude?

A. Upon the outside.

Q. And you heard some expressions about good coats, and a good deal of meat?

A. That was when I was inside.

Q. They said they had better coats, and you seemed to be better fed; true enough, I fancy, at the time?

A. I don't know how they were fed.

Q. But you saw their coats were not very good?

A. Some of them were not.

Q. You came back again, as soon as you heard some one say "spy"?

A. Yes.

Q. And they stopped the man with the roll of brown paper?

A. As soon as the word "spy" was, they stopped unlinking.

Q. So you turned back again?

A. I came back again.

Q. Without receiving any injury whatever?

A. I immediately came back, and went into the line of constables.

Q. Without receiving any injury?

A. Without any injury.

Mr. Blackburne.—I am glad to see that the shower of stones which came upon you, did not kill you.

Mr. Serjeant Cross.—He has not said a word about a shower of stones.

Mr. Blackburne.—You asked him about a shower of stones, at some other place.

Mr. Serjeant Cross.—True, some other place.

Q. Did they knock you down?

A. No; they made me black in several places.

Q. But they were not of such a size as to knock you down?

A. They were of a size, several as big as a man could throw.

Q. But your excessive weight and strength prevented you from falling?

A. It happened so; if they had hit me on the head probably I should have gone.

Q. Was any body else knocked down?

A. I don't know.

Q. Did you see any of your companions?

A. No; we could not come out of the mob for some time; when

we came on the outside, we were peppered with stones ; when we got inside it was rather moderate, because I saw one of the reformers get a terrible rap upon the cheek.

Q. Are all these mobs at Manchester, reformers ?

A. A great deal of them.

Q. There is a pretty considerable number of reformers at Manchester ?

A. Yes.

Q. Too many, you and Serjeant Cross think ?

Re-examined by Mr. Serjeant Cross.

Q. Did you take shelter any where on that occasion ?

A. Yes ; I was very ill, and went into the White Bear.

Mr. Blackburne.—You put the words, “ took shelter,” and he says “ we went in”.

Witness.—We went into the back yard.

Q. For what purpose ?

A. I was very ill and threw up.

Q. You were sick ?

A. Very ill indeed.

Q. Were you followed by, or did you get quite rid of these people ?

A. When we got to the middle of Oldham-street, we did not look much behind us, for we ran as hard as we could.

Q. You ran as hard as you could to get away ?

A. Yes.

Q. Are we to understand that you yourself saw that all the special constables came back to Mr. Buxton's house, or merely that you desired them to do so ?

A. They could not half of them come, because there were a good many hundreds.

Q. They could not half of them come ?

A. I don't know the quantity.

Peter Statham sworn : examined by Mr. Littledale.

Q. I believe you live at Collyhurst within Chetham, near Manchester ?

A. I do.

Q. You are now a drysalter ?

A. I am, sir.

Q. In the month of August, 1819, was you in the employ of Messrs. Schlesinger and Co. ?

A. I was.

Q. They are merchants ?

A. They are.

Q. Where did you live at the time ; where was your own personal residence ?

Mr. Justice Holroyd.—They were merchants ?

Mr. Littledale.—Merchants at Manchester.

Q. Where did you yourself personally reside at the time ?

A. At Ardwick.

Q. What time in the morning did you come into the town ?

A. About half-past eight.

Q. Was that on the 16th. ?

A. The 16th.

Q. You came into the town about half-past eight, to attend to the duties of your business, I suppose ?

A. Yes.

Q. What did you observe in the town when you came in ; what state did you find it in ?

A. I observed many straggling parties in the town, and an unusual crowd.

Mr. Justice Holroyd.—Need we go over all that ?

Q. Did your business lead you, that morning, to call at several warehouses in different parts of the town ?

A. It did.

Q. Had you, by that means, an opportunity of seeing what was going on in different parts of the town ?

A. I had.

Q. Did you observe any thing in Oldham-street ?

A. Yes.

Q. What ?

A. I observed a body of men, I supposed them to be about 3,000 about eleven o'clock.

Q. Did you see any others come along that morning ?

A. I did.

Mr. Justice Holroyd.—Is it merely going to different bodies coming into the town ?

Q. How many different parties did you see come in ?

A. About five or six.

Q. Do you remember seeing a banner that was black ?

A. I do.

Mr. Justice Holroyd.—That is proved.

Q. Did you notice any thing upon that banner ?

A. A dagger.

Q. At the top ?

A. Yes.

Q. What was the colour of it ?

A. Very bloody.

Q. Did you observe whether any of these parties had sticks with them ?

A. I did, sir ; very large sticks, much larger than those used for the purpose of walking.

Q. Did you observe any thing upon any of those sticks ?

A. They were sharpened at the end with iron, most of them.

Q. Could any business be done on that morning at Messrs. Schlesinger's warehouse, or at other warehouses where you went ?

A. None could be done at our warehouse, the meeting took up all our attention.

Mr. Justice Holroyd.—What did you say ?

A. They could do no business in the house I belonged to.

Q. Could you transact your business in the warehouses you went to ?

A. I could not ; people appeared very much alarmed.

Q. Did you go into St. Peter's field ?

A. I did, sir.

Q. At what time ?

A. About twelve o'clock.

Q. When the different parties came on the ground, how were they received ?

A. With loud cheers from those already arrived.

Q. Where did you take your station then, when first you went?

A. Opposite Mr. Buxton's house.

Q. Did you continue there or walk about?

A. I did not. I shifted about half way between the hustings and Mr. Buxton's house.

Q. Did you observe the line of special constables?

A. I did, sir.

Q. From what place did they extend, and how far did they extend?

A. From Mr. Buxton's house up to the locking of arms, a large body that was locked together.

Q. Where were the men that had their arms locked together?

A. Round the hustings.

Q. Do you remember Hunt and his party coming on the ground?

A. I do.

Q. How were they greeted?

A. By loud shouts; a shout of triumph I suppose.

Q. What were your feelings at the time?

A. I was very much alarmed.

Q. Did you observe what the feelings of other people were—of the constables for instance?

A. Many of them were very much alarmed and expressed themselves so.

Mr. Justice Holroyd.—Many of whom?

A. Of the constables.

Q. Did you hear any expressions used by the persons who had come to the meeting?

A. I heard them use many insulting words to the constables.

Q. Did you see the Manchester Yeomanry come upon the ground?

A. I did, sir.

Q. Where were you at the time; whereabouts were you standing.

A. About half way between the hustings and Mr. Buxton's house.

Q. When they came, what did the special constables do—after they came?

A. They opened right and left, for them to go to the hustings.

Q. Did you see the Yeomanry advance towards the hustings?

A. I did, sir.

Q. Before they advanced to the hustings, did you hear any thing said by the people who were there?

A. They shouted at them, as if in defiance of them.

Q. Did you hear any words that were uttered?

A. No; I cannot speak to that.

Q. Did you see how they were as to their arms?

A. I observed them throw stones on both sides.

Q. Did you see about their arms being locked?

A. Yes; I could see that very distinctly. I was rather elevated at the time.

Q. As the Yeomen were advancing to the hustings, what did you see done by the mob; any thing?

A. Yes; they struck the horses with their sticks, and stones.

Q. You said something about stones?

A. Stones were thrown from both sides at them.

Q. When the Yeomen had got near to the hustings, what did you observe then done by the mob; when they got closer to the hustings, did you observe how the mob conducted themselves?

A. They closed in the rear of the Cavalry, and the throwing of stones became more violent.

Q. The mob closed in the rear of the Cavalry, you say?

A. Yes.

Q. And the throwing of stones, I think you say, became more violent?

A. Yes.

Q. What was the conduct and demeanour of the Yeomanry, on going up to the hustings?

A. I did not see them strike any person. I must have seen it, if they had done it, from the situation in which I stood.

Q. How long did you continue there?

B b

A. When the Yeomen advanced to the hustings the mob began to disperse, and I followed them.

Q. Did you observe any thing that attracted your attention in the conduct of any of the mob?

A. I saw the trigger and butt end of a horse pistol.

Q. Where was it you observed that?

A. In the pocket of one of the mob.

Q. According to your judgment, was it practicable for the civil power to have executed the warrant, without the assistance of the military?

A. I think it would have been madness to have attempted it.

Cross-examined by Mr. Evans.

Q. What trade are Messrs. Schlesinger; what trade, at that period, did they carry on?

A. They were shippers.

Q. What situation had you in the house?

A. I was clerk.

Q. What department?

A. Many departments.

Q. You are only clerk?

A. No.

A. In how many departments?

A. I bought goods occasionally for them, and sold goods.

Q. What is the next department?

A. I had the management of making the invoices out, in several instances.

Q. What do you mean by the management of making the invoices out?

A. Calculating and writing them out.

Q. And that is what you would call making invoices?

A. Yes; I should suppose so.

Q. Pray how many of these sticks had you in your head?

A. None.

Q. How many sticks did you see?

A. Many hundreds.

Q. You will swear they were all larger than walking sticks

A. No, sir, I won't.

Q. How many did you see larger than walking sticks?

A. Many hundreds.

Q. Every one of these were sharpened at the end, and shod with iron?

A. No, sir; most of them.

Q. What was the thickness of the iron?

A. It was pointed; it might be the thickness of my finger.

Q. Were they walking or standing still, when you reckoned these sticks, and examined them?

Mr. Littledale.—He did not say he examined the sticks.

Mr. Justice Holroyd.—You must not put your question differently from what he said.

Mr. Evans.—May not I say he examined the sticks, when he swears to the thickness, and that they were shod with iron?

Q. Did you examine them or not?

A. I did, sir; my attention was attracted by the noise they made upon the flags.

Q. What party carried the bloody dagger?

A. I cannot speak to that, what party it was; it was one of the parties that I saw.

Q. You swear it was a bloody dagger?

A. I swear it represented one.

Q. What are you now?

A. A drysalter.

Q. On your own account?

A. With a partner.

Q. You say you saw a number of persons linked all round the hustings?

A. I saw most of them in front of the hustings.

Q. When you said all round, you did not mean all round?

A. I could not see behind.

Q. But you swore it all round; you should take care. You were extremely alarmed?

A. I was.

Q. Still you remained on the ground ?

A. I retired to the Quakers' chapel when the Yeomen advanced to the hustings.

Q. As soon as you began to see them advance ?

A. No, sir ; they had advanced.

Q. How far had they advanced when you went towards the Quakers' meeting-house ?

A. To the hustings ; they had surrounded them.

Q. The Yeomen went up between the constables ; they divided right and left, and the Yeomen went up between them ?

A. It appeared to me so.

Q. You say it appeared to you ; was it so or not ?

A. I cannot tell ; it appeared to me to be so.

Q. How near were you to the constables ?

A. Perhaps about five yards from them.

Q. And now, young man, you swear 'you don't know whether they divided right and left or not ?

A. I swear they did divide right and left.

Q. Then did you see them pass between the constables ?

A. It appeared to me as if they passed between them.

Q. How far was you from the yeomen ?

A. About five yards—six yards—I cannot speak exactly.

Q. You will not undertake now to swear whether they passed through the special constables or not ?

A. I will swear it appeared to me to be so.

Q. Very well ; you say no more than that. How far were you from the hustings at that period ?

A. Perhaps fifty yards, as near as I can count : I cannot guess at the length.

Q. Which way were you looking ?

A. I was looking towards the hustings.

Q. When the Yeomanry passed, what part of the field were you in ?

Q. I was about half way between the hustings and Mr. Buxton's house, as near as I can calculate. I cannot tell the distance it is from Mr. Buxton's house to the hustings.

Q. Were you on the side towards the Quakers' Chapel, or towards Windmill-street ?

A. Towards Windmill-street.

Q. What did you say ?

A. I was on a little elevated ground to the left, opposite the Quakers' Chapel.

Q. Many other persons were in that place besides you ?

A. Yes, several.

Q. Are you acquainted with Mr. Greg ?

A. No, I am not.

Q. Or Mr. Sanderson ?

A. I don't know any of them.

Q. Then the Yeomen, you say, went on ?

A. They advanced from Mr. Buxton's house to the hustings.

Q. You were behind them when they advanced ?

A. I was on one side of them.

Q. How soon after they had begun to advance, did the stones begin to be thrown ?

A. As soon as they were on the ground.

Q. A good many ?

A. But few at first ; it increased.

Q. As they got further into the crowd, the stones increased ?

A. They increased more when they closed on the rear ; then was the chief throwing.

Q. When the mob closed upon the rear of the Yeomanry : that would be after they got into the thick of the crowd ?

A. Yes ; when they were in the middle, going through the locked people.

Q. Then the stones came most abundantly ?

A. Yes.

Q. Did they take the stones off the field ?

A. I cannot tell.

Q. You did not see them pick them up ?

A. I did not.

Q. You did not see where they got them ?

A. No, sir.

Q. The Yeomen had not their swords drawn, I suppose?

A. They had, sir.

Q. After they had advanced, you saw a great number of the mob strike the horses with their sticks?

A. I saw them as they were advancing.

Q. After they had begun to advance?

A. Yes.

Q. How far might they be from you, when you saw them striking with their sticks?

A. It might be fifty yards.

Re-examined by Mr. Littledale.

Q. When the Yeomanry advanced, was there an opening made?

A. There was.

Q. When the opening was made, there were people on the right and on the left?

A. There were.

Q. And it appeared to you, that amongst those people there were constables, both on the right and on the left?

A. It did, sir.

Q. Are you positive of that, or did you only judge it was probable?

A. I thought it was so; I thought it was probable they would sever each way.

Q. It appeared to you, there were people on the right and left; you thought there were constables on each side?

A. I did, sir.

George Brown sworn: examined by Mr. Starkie.

Q. Are you a merchant in Manchester?

A. Yes.

Q. Did you attend on the morning of the 16th. August, at St. Peter's Field?

A. I did.

Q. Did you, in consequence of the directions you had received, place yourself near the cart intended for the hustings?

A. I did.

Q. How near to the cart did you get?

A. In the first instance, within about six yards.

Q. Was the cart removed from the place where you first saw it?

A. It was.

Q. How far was it removed?

A. I should think from five to six yards.

Q. Had you seen the line of constables at that time?

A. Yes.

Q. Was it removed from them, and how far?

A. Five or six yards.

Q. The cart being removed, did you hear any order given by any person in the cart?

A. I did; by a person of the name of Swift.

Q. What was the order?

A. The order was to link arms and stand firm.

Q. Upon that order being given, what did you observe done?

A. In consequence of that order being given, there was a very great pressure, and I was closed in between those that were in the crowd.

Q. You say there was a great pressure?

A. Yes.

Q. Was that in the space between the constables?

A. Between the constables and those that were locked.

Q. Did you see whether there was any pressure on the constables?

A. A very great pressure; so as to make them fall back.

Q. Did you see whether they were, in fact, pushed back?

A. They were forced back, to a certain distance; but they gained their ground again.

Q. Did you see whether they attempted to get nearer the hustings?

A. Yes.

Mr. Justice Holroyd.—When you say they attempted, what do you mean?

A. The constables.

Q. Did they succeed in doing this, or what prevented them?

A. They did.

Q. Did they get up to the hustings?

A. I was within one man of the hustings myself.

Mr. Justice Holroyd.—You was one of the special constables?

A. Yes, I was.

Q. You say you got up to within one of the hustings?

A. Within one.

Q. Did the body of constables get up?

A. They did not.

Q. What prevented the body of constables from getting up to the hustings?

A. The body of constables, or the greater part of them, were formed in a row, it was only me and a few others that kept our ground.

Q. Then you and a few others were separated from the rest?

A. Separated from the rest.

Q. How were the persons between you and the constables; were they linked?

A. There were a great number linked; I was completely cut off.

Q. Then, by the linking of arms, you and some others were cut off from the main body of the constables?

A. We were.

Q. For what purpose did that appear to be done—the linking of arms?

A. To protect the hustings.

Q. From whom?

A. From the constables.

Q. To what distance from the hustings did this linking of arms continue to shut out the constables?

A. It might be ten or twelve yards or more; I was so near to the hustings I could not judge.

Q. Did you remain in that situation, near to the hustings, when Mr. Hunt arrived?

A. I did.

Q. We have heard from the other witnesses what took place; that there was a great shouting.

A. Most tremendous.

Q. A most tremendous shouting?

A. Yes.

Q. Did you hear Mr. Hunt say any thing, when he got on the hustings?

A. Yes.

Q. State what it was he said?

A. He was speaking as to the all powerful right they had, as British subjects, to petition; he was going on to make a long speech.

Q. I do not wish you to go through the whole he said, but did you hear him give directions to the people what they were to do, in case they were interrupted?

A. He said, if the enemies shewed any symptoms against them, they were to put them down, quiet them, and keep them down.

Q. Did you hear what was said by any of the mob to this?

A. I did.

Q. What was it?

A. Two men were linked arm in arm; one said to the other, "I reckon mon, he means we mun kill 'em." The other man replied, "Aye, to be sure, you fool, he does."

Q. Did you see the Yeomanry Cavalry approach?

A. I did.

Q. Was there any expression on the part of the people on seeing the Cavalry?

A. I heard Hunt——

Q. What did he say?

A. He said to Johnson, "they are already in disorder."

Q. Well?

A. And when they had formed in front of the Magistrates' house, he pointed in this sort of way (extending his arm and pointing) to the Cavalry, and said "there is a pretty sight for you."

Q. What did he do then?

A. Mr. Hunt desired the men to be firm.

Q. Do you recollect what his particular expression was ?

A. "Be firm."

Q. What was done then ?

A. I do not recollect.

Q. Do you recollect his directing a shout, as soon as they had formed ?

A. Yes, he said "let us give them a shout," or "cheers."

Q. That, I think you say, was when the Cavalry had formed near Mr. Buxton's house ?

A. They had already formed.

Q. On Mr. Hunt using these words, what was done ?

A. Upon his giving these directions to shout or cheer, there was a very loud shout.

Q. One or more ?

A. Three.

Q. Very loud shouts ?

A. Very loud shouts.

Q. Did you see whether he joined in the shout ?

A. He did.

Q. How was his hat ?

A. He put it round, with Johnson and others, in this way (imitating the motion of a man waving his hat while in the act of cheering).

Q. Did you see the Cavalry advance.

A. Yes; I did.

Q. As the Yeomanry moved forward, was there any expression on the part of the mob towards them ?

A. I do not recollect.

Q. What happened then as the Cavalry were moving ?

A. The men, locked arm in arm, cried out one to another "be firm, stand fast;" and I being hemmed in, they turned towards the Cavalry, and, consequently, I must turn with them.

Q. What did you then see ?

A. I saw the Cavalry advance, and the men with their sticks up, hitting, in this kind of way, their horses' heads (imitating the motion of a person so striking).

Q. How far were the Cavalry from the hustings at that time ?

A. I should suppose twenty yards, perhaps more—from twenty to thirty yards. About half the distance between Mr. Buxton's house and the hustings.

Q. You say you saw the men hitting ; by the men do you mean the mob ?

A. I mean the mob.

Q. With their sticks up, striking the horses' heads ?

A. Yes ; with their sticks up striking the horses' heads.

Q. What did that appear to be done for ?

A. To prevent their approach to the hustings.

Q. Did you see any stones thrown ?

A. A great number.

Q. Against whom were the stones directed ?

A. Against the constables and the Cavalry.

Q. Was that about the same time you saw the sticks raised, or afterwards ?

A. It was just at the approach of the Cavalry, the same moment.

Q. When you saw the Cavalry about half way ?

A. About half way.

Q. Were there many stones thrown ?

A. There were several, and pieces of brick, which I noticed particularly.

Q. Several stones and pieces of brick, which you noticed particularly ?

A. Yes.

Q. These you say were directed both against the Cavalry and constables ?

A. Both ; that was what I supposed at the time.

Q. Were the constables distinguishable from the rest by their truncheons ?

A. It was the only means by which they could distinguish themselves, by holding up their truncheons.

Q. What further happened on the advance of the Yeomanry ?

A. When the Yeomanry advanced, there was a very great

battle, tremendous ; and these men with the locked arms, appeared to get completely in the rear of the constables, who were acting with the Cavalry ; and, at that period, there were more stones thrown.

Q. Well ?

A. Then I was myself knocked down.

Q. By what was you knocked down ?

A. By a stone or brickbat ; but by which I could not tell.

Q. Well ?

A. I was some time on the ground before I could recover myself.

Q. Had any violence been offered you before ?

A. Yes ; immediately on the approach of the Yeomanry, a man offered to knock me down with a stick ; I prevented the blow, by striking the man, when he had his arm raised, just under the elbow.

Q. Who was this man who struck at you ?

A. One of the same men I heard speak before, who said, " he means mon we mun kill 'em."

Q. How soon was this, after the order had been given by Hunt to quiet them and keep them down ?

A. Not more than two minutes, for they halted a short time.

Q. You say part of the persons linked arm in arm got in the rear of the constables ?

A. Yes.

Q. Did any get in the rear of the Cavalry ?

A. Yes, they did.

Q. Any of those linked arm in arm ?

A. Yes: many of those linked arm in arm.

Q. Were the Yeomanry at that time surrounded by the mob ?

A. They were surrounded by those linked arm in arm—particularly those. The Cavalry then began to make way (describing the motion of the sword).

Q. What did they do ?

A. They hit the men with the flat sides of their swords, spurred their horses on, and got round the hustings.

Q. And got round the hustings ?

A. Yes.

Q. Did the Yeomanry use their swords before, or after they had so been assaulted by the mob?

A. Not till after they had so been assaulted by the mob, to my certain knowledge.

Q. Did you see many persons with sticks?

A. I should think there were a thousand.

Q. Now, sir, were they small rods or switches, or such as are calculated to do serious mischief?

A. Some of them were very large.

Q. Were those of that description, which you saw actively used against the heads of the horses?

A. The same.

Q. Did you see any of those, after the meeting had been dispersed, on the ground?

A. A very great number indeed.

Q. What number of them do you mean, ten or twenty?

A. Many hundreds.

Q. Were any stones lying on the ground afterwards?

A. A great quantity.

Q. Upon the approach of the Cavalry did you at any time hear any hissing?

A. As they came round the corner of the cottage wall.

Q. Great hissing?

A. From the mob.

Q. From those on the hustings as well as the mob?

A. Yes.

Q. The hissing was from those on the hustings, as well as from the mob?

A. Yes, sir.

Q. Was you at all acquainted with the previous state of the town of Manchester and its neighbourhood?

A. Yes, I was.

Q. And was you aware, before that, of the intended meeting at which Mr. Hunt was to preside?

A. Yes; I was aware there was to be a meeting.

Q. Upon which occasion you came forward as a special constable, as well as others?

A. I had been a special constable two years.

Q. Under these circumstances, did you feel any alarm or apprehension?

A. Very great.

Q. Was that alarm increased or diminished, when you saw the nature of the meeting?

A. Very much increased.

Q. In your judgment, was the town of Manchester in danger?

A. I considered it was in very great danger.

Q. I believe you have a warehouse in Manchester?

A. I had at the time; it is now divided between two of us.

Q. Was your warehouse open or closed?

A. I ordered it to be closed at half-past ten o'clock.

Q. Was that in consequence of the alarm you felt?

A. In consequence of seeing the people come in in such large bodies?

Q. As far as you can judge, were those apprehensions general?

A. I think they were—generally so, in Cannon-street and High-street.

Q. These are the principal streets for warehouses in the town of Manchester?

A. Two of the principal streets.

Q. Were other warehouses also closed?

A. Yes, they were?

Q. What number?

A. I cannot say as to numbers, there were several.

Q. To your knowledge, was any kind of business carried on in the morning?

A. I should think not from ten or half-past ten.

Mr. Justice Holroyd. — There was a general suspension of business?

A. Yes

Cross-examined by Mr. Evans.

Q. Your name is George?

A. George.

Q. Where did you reside at that time?

A. In Brazennose-street.

Q. What number?

A. No. 32.

Q. Where do you reside now?

A. No. 5, Princess-street.

Q. Where was your warehouse at that period?

A. No. 15, High-street, Manchester.

Q. Is it now in the same street?

A. Yes.

Q. How far was you from the hustings, when you say you was closed in by the people who were linked arm in arm?

A. At that period, I do not think I was more than three yards.

Q. Did you make any memorandum of what took place on that day?

A. I did.

Q. Have you it here?

A. I had it till within this six months, when not knowing it would be wanted, I destroyed it.

Q. Pray tell me which—had you or the persons on the hustings the best means of observing the field?

A. From the hustings.

Q. Pray which do you think, could you or the people on the hustings hear Mr Hunt best?

A. I do not think there would be much difference; I could hear very distinctly.

Q. You have said that he said "if the enemy make any symptoms, put them down, quiet them, and keep them down"?

A. Yes.

Q. You undertake now to say, that he used these expressions?

A. I put them down.

Q. Then if any one had said these were the words he used, he was incorrect; "if any one attempt to destroy your tranquillity, I hope some person will be found with courage enough to put them

down, quiet them, and keep them down". Perhaps you consider them the same?

A. Nearly.

Q. How far was the Cavalry from the hustings, when you saw the people use sticks?

A. About twelve yards, as near as I can judge.

Q. Was the crowd very dense?

A. It was very much so.

Q. At what distance were the Cavalry from the hustings, when first you saw the stones thrown?

A. I should think half the distance from Mr. Buxton's house to the hustings.

Q. What size might the stones be?

A. Some as large as my fist, some smaller. As well as I could judge, they were all sizes.

Q. There were brickbats among them?

A. Yes, there were.

Q. You have said that the nearer they got to the hustings, more stones were thrown?

A. That was the case.

Q. Were there a great many spectators that took no part in the business at all?

A. I think there were some.

Q. A great many?

A. It is impossible for me to say how many.

Q. Did you see where the people got the stones?

A. I did not see where they got them, but I saw the direction they came from.

Q. How far might you be from the Cavalry when they threw the stones?

A. From twenty to twenty-five yards; just at the end of Windmill-street.

Q. How many persons did you see the Yeomanry cut down with the sharp edge of their swords?

A. Not one, sir.

Q. Where was you when the Cavalry surrounded the hustings ?

A. Near to the hustings, hemmed in.

Q. Did you remain there till the hustings was cleared ?

A. It was impossible.

Q. Where did you go to ?

A. I was pressed forward with the crowd.

Q. Towards the Quakers' Meeting-house ?

A. No, sir ; towards Windmill-street, upon an eminence.

Q. Will you swear you did not see them cut any person ?

A. I will swear I did not see it.

Q. Will you swear that there was nobody cut ?

A. I can swear, as far as my knowledge goes, while I was on the ground.

Q. Do you believe there was ?

Mr. Serjeant Cross.—What he believes is not evidence.

Mr. Evans.—Surely I have a right to try his credit, by asking him whether he believes that which he knows has taken place.

Mr. Justice Holroyd.—I am of opinion you cannot legally put the question.

Mr. Evans.—Your Lordship allowed them to ask questions as to belief.

Mr. Justice Holroyd.—I am quite surprised you do not see the difference between the two cases. The first issue for the Jury to try is, whether there was not a meeting of a seditious and turbulent character, in the town of Manchester, which excited terror and alarm among his Majesty's subjects. To prove the affirmative of that issue, it would be necessary to inquire into all the circumstances by which that alarm was created ; and, consequently, evidence of belief of persons acquainted with the state of the town at the time, was, upon every principle of law and rule of evidence, admissible. But it is quite a different thing when you are asking a witness as to his belief of a person being wounded. You must get that fact from a witness who saw the wound inflicted ; I am surprised that such a question should be pressed, and I am surprised to hear the observations in support of it from a gentleman at the bar.

C C

Mr. Serjeant Cross.—I understand him to have stated that he saw no one cut.

Q. You said you saw no one cut by the Yeomanry ?

A. Not one.

Re-examined by Mr. Starkie.

Q. Did you see any of these stones in the air ?

A. Yes ; I saw them coming.

Q. Now, with respect to these stones which you saw in the air, you would be as able to see them as any gentleman on the *bastings* ?

A. Equally so—on this account : that they were thrown from an elevated ground.

Q. As to the size of these stones, that which came on contact with you was large enough to knock you down ?

A. It did knock me down.

Mr. Justice Holroyd.—You could not tell whether it was a stone or a brickbat ?

A. I could not at that time.

Q. Where did it hit you ?

A. On the left side.

Q. It knocked you down by a blow on your side ?

A. A blow on my left side.

Q. Suppose you had been on horseback, was that blow sufficient to dismount you ?

A. I have no doubt of it.

William Hulton, Esq. sworn : examined by Mr. Serjeant Hullock

Q. You are a Magistrate of this county ?

A. I am one of them.

Q. And you was so in 1819 ?

A. I was.

Q. You was elected the chairman of the committee of the Magistrates ?

A. I was, after its appointment.

Q. Do you recollect the time when the committee was formed ?

A. The Magistrates were generally called together at the July Quarter Sessions, in Manchester.

Q. About the second week in July?

A. About the 18th July.

Q. About what number of Magistrates were there assembled at that time?

A. A very great number, at the New Bailey in Salford, in consequence of the requisition. They consisted of the principal Magistrates of the district.

Q. A remarkably large meeting?

A. A remarkably large meeting; unusually so.

Q. What occasioned such an unusually large meeting at that time?

A. The disturbed state of the country.

Q. Did the state of the country become the subject of consideration at that meeting?

A. Certainly; it was the only topic.

Q. Did any difference of opinion obtain upon the subject, among the gentlemen who so met?

A. Not the slightest.

Q. Was it then considered necessary to appoint a committee?

A. It was.

Q. And was a committee at that time appointed?

A. There was a committee appointed immediately afterwards, on that day—the committee were nominated and met soon after.

Q. Of which committee you was the chairman?

A. Yes.

Q. For what purpose was that committee deemed necessary?

A. To provide for the peace of the county, and the safety of its inhabitants.

Q. From your knowledge of the subject, was such a measure, in your judgment, necessary?

A. As a magistrate, I had opportunities of becoming acquainted with the state of the country. I knew that in every town, and in almost every village, there were union societies, conducted by committees, corresponding with each other by means of delegates.

Q. You had means of knowing that; repeat what you have just stated?

A. I knew, as a Magistrate, there were union societies in every town, and almost in every village, conducted by committees, corresponding with each other by means of delegates.

Q. Did your knowledge on the subject induce you to take these precautions?

A. That—and I should have added, there was a general panic throughout the district.

Q. Arising from these circumstances?

A. From these and other circumstances.

Q. How soon after the formation of the committee, did you assemble: and how soon did the committee begin its operations?

A. In three or four days; I am not sure whether it was not earlier.

Q. Of what number was the committee composed?

A. I think eleven or twelve were selected; two or three from each division.

Q. Did you from that time meet from day to day, or what were your periods of attending?

A. They varied from that time to the 16th. August; for instance, before the 9th. we had, I think, meetings from day to day, though I will not be positive.

Q. Did you institute such means as have been described, to obtain information of what was going on in the country?

A. We did derive information of what was going forward in the adjoining districts.

Q. Was that information of a character which tended to allay, or increase the opinion you formed, of the disposition of the lower classes?

A. It produced a rapid increase of alarm for the public safety.

Q. In consequence of information so obtained, did you take such measures as were calculated to preserve the public tranquillity?

A. Certainly.

Q. You was apprized of the intended meeting of the 9th. August?

A. We were; we had the requisition calling the meeting brought to us.

Q. That is what has been read here?

A. The same.

Q. Had you been apprized of any drilling or training in the county?

A. Certainly; from time to time, we received what we considered as positive information.

Q. Did you receive the information from one place, or from several parts of the country?

A. Several parts, and it was conveyed to us frequently, by gentlemen of the highest respectability.

Q. Did that information excite in your minds apprehensions for the public peace?

A. Undoubtedly.

Q. From the situation which you at that time held, Mr. Hulton, had you an opportunity of knowing whether similar apprehensions were entertained by other people?

A. The great mass of the people, all degrees and all classes, were under the greatest apprehension.

Q. Of course, you do not include in that statement, the description of persons who constituted the meeting of the 16th. August?

A. Of course not.

Q. Now, Mr. Hulton, you was apprized of the meeting of the 9th. August, which was put off in consequence of an intimation that it was illegal—how soon was you apprized of the intended meeting for the 16th.?

A. I think the notice for the meeting of the 16th. was given on Thursday the 12th., but I cannot say.

Q. A few days after the intended meeting of the 9th.?

A. Yes.

Q. You was apprized of the intended meeting of the 16th. August some days before it occurred?

A. Certainly.

Q. After you was apprized of the proposed meeting of the 16th., were your meetings more frequent?

A. Certainly; they were almost permanent; for myself I did not return home, though I lived within twelve miles.

Q. You yourself, though living within twelve miles, did not return home?

A. Not for the last few days; I was entirely engaged in taking the proper precautions.

Q. Was you detained all night, solely for the purpose of attending this committee?

A. Solely; and for no other purpose whatever.

Q. Were there any other Magistrates, under similar circumstances with yourself, who were detained?

A. I cannot speak to that. I only know they were late in the evening, and early in the morning. I am quite certain that the last night or two, Mr. Trafford was added to the Magistrates.

Q. Mr. Hay—was he there?

A. Mr. Hay was there.

Q. Was he there ten or twelve days?

A. I believe he resided there permanently; I understood so.

Q. Where were your meetings held?

A. At the New Bailey, in the room which the Magistrates usually occupy.

Q. Were you in constant communication with the boroughreeve?

A. Constantly, with the authorities of Manchester.

Q. Were these meetings and these attendances, for the mere purpose of taking proper precautions against the meeting of the 16th?

A. Solely.

Q. Were you assisted at all in your labours by the gentlemen of the place—the town of Manchester?

A. There was a committee formed. It was formed as a committee of public safety, with whom we were in constant communication.

Q. Were the views and objects of that committee the same as yours?

A. They had no other object.

Q. Of what description of persons were the committee composed?

A. Of some of the principal gentlemen of the town and neighbourhood of Manchester.

Q. Gentlemen of property?

A. Gentlemen of great property; the most distinguished men of the place.

Q. What number might there be?

A. I am not aware.

Q. On the 15th., did you meet on the Sunday together?

A. We did: directions were given that we should meet directly after Church.

Q. Did you come to such resolutions on that day, as you thought calculated to promote your object?

A. We made such arrangements as we thought requisite, to meet what we deemed impending danger.

Q. Did you take such steps on that day, or give such directions, as were calculated to preserve the peace on the following day?

A. Certainly.

Q. About what hour of the 16th. did you go to Mr. Buxton's house?

A. We assembled at the Star about nine o'clock in the morning; nine was the hour appointed, and we met sooner. I think it was about eleven when we went to Mr. Buxton's house.

Q. Was that house selected as affording the best view?

A. It was; it commanded a perfect view of the area.

Q. Did the room you assembled in at Mr. Buxton's house, afford a view of the whole place?

A. It commanded a perfect view of all the field.

Q. When you got there, do you remember whether a cart had arrived?

A. I have a little doubt. The impression on my mind is, that one cart was on the field.

Q. Were the greater part of the committee assembled there?

A. I think every member of the committee was present, but one. There was one who had attended at the New Bailey, who happened not to be present—Mr. Entwisle. All the others who had attended were present, except Mr. Trafford.

Q. From time to time you observed the people come on the ground?

A. I did occasionally; when I was attracted by any particular noise, I went to the window; otherwise I generally sat at the table.

Q. Do you remember any applications, in the course of the morning, by any number of gentlemen, respecting their apprehensions concerning the safety of the town?

A. I think there was a paper handed to the Magistrates—a declaration of the apprehensions of the inhabitants, and the danger to the town from such a meeting. I think that paper was brought to me, as chairman of the committee of Magistrates.

Q. Do you remember this being brought up to you? (shewing a paper.)

A. Perfectly well.

Q. Did you read it at the time?

A. Yes.

Q. Did you know any of these persons?

A. I am acquainted with a great many of them.

Q. Are they gentlemen of respectability and property in Manchester?

A. Of the highest respectability.

Q. Did these gentlemen, at that time, express their apprehensions for the safety of the town.

Mr. Blackburne.—I must object to gentlemen stating the apprehensions of other persons. I submit we are not to receive evidence of the alarms of gentlemen, but from themselves. What took place before the Magistrates is no evidence to affect my client; other gentlemen signing this paper is no evidence. I know not upon what issue that evidence is tendered. If there are any who felt terror and alarm, we must be told of it by those who so felt it, and are not to receive it from others. We are not enquiring into what occurred before the Magistrates. I cannot see how the evidence which has been offered, can be legal.

Mr. Evans.—I am yet to learn whether any evidence can be given, but what is legal evidence.

Mr. Justice Holroyd.—Certainly, no evidence will be received but what is legal evidence—at least none but what the Judge thinks is legal; you may take that for granted; and if any evidence should

be improperly received, it may be set right afterwards. I am aware it is an important part of my duty to exclude what is not evidence. I am most anxious to do so ; and if any thing should be admitted that is not legal evidence, no doubt it can be set right.

Mr. Evans.—What is this but hearsay evidence ?

Mr. Justice Holroyd.—It is evidence this way. The Magistrates, in the course of their duty, made enquiries in order to get all the information as to the state of the town and neighbourhood. A variety of facts were proved as to the very alarming state of the country, and, at least, it was for the consideration of the Magistrates, what steps were necessary to be taken for the preservation of the peace of the town, under these circumstances. They were met together to consult for the general safety ; and one question is, how far their apprehensions are real. Now this declaration is not clear proof that those persons who signed it felt the alarms they expressed ; but it is proof that such a representation was made by them, and handed by them to the Magistrates, expressing their fears and apprehensions for the tranquillity of the town. That would make the Magistrates more anxious in adopting such measures as were necessary to insure the public safety ; it would call for their more serious consideration and attention, in the discharge of their important duties ; it would prompt them not to neglect any means of prevention and security which, in the exercise of their duty, might be suggested to them. Now, whatever alarm these persons might have felt, and that they did feel alarm we must presume, for they have attested the fact by their signatures, yet I do not understand that this declaration is offered as any evidence of the alarm of the individuals, but only as a representation, which might fairly induce them to call in the aid of the military to support the execution of the process by the civil power. It appears to be an earnest representation to the Magistrates, urging them to the performance of their important duties. And it is to be recollected, that this is not an action against the Magistrates, but it is an action against four of the military, who were called in by the Magistrates to assist in the execution of the measures determined upon by the civil power. Whether the Magistrates came to a right conclusion

or not in calling in the military, is not the question here. The military were bound, when called upon, and without being called upon, to assist the civil power. The King's subjects are all of them bound, at their peril, to lend their aid in support of the civil power. It is very true that if they were acting even by order of the Magistrates against a lawful assembly, they, as well as the Magistrates themselves, and all persons assisting the Magistracy would act at their peril, unless protected by the operation of the statute of George II. This is one of the questions. If the question was, which it is not on this record, whether the calling in the military was necessary or unnecessary, then they would be at liberty to go into evidence, to shew a reasonable ground for calling in the military. The issue here is not whether the military were called in necessarily or unnecessarily, but whether they were acting in aid of the civil power; and if they were, then it would be necessary if an action like the present one could be maintained at all, that it should be brought within six months; so that if the defendants were acting in aid of the civil power, it would be a complete defence, according to the state of the record. This is my opinion as at present advised.

Q. You remember about what time in the morning it was, when this paper was put in your hand?

A. It was after we had assembled at Mr. Buxton's house.

Q. Was it before Mr. Hunt came?

A. It was decidedly before he appeared on the ground.

Q. You say that from time to time your attention was attracted to the window by the noise; did you observe in what manner they marched—the divisions?

A. They marched in beautiful order; they marched and had persons at their sides at stated distances, who gave the word of command.

Q. Was it the same as it would be in a regular regiment, with music and banners?

A. In fact, such order as could only result from long previous preparation. I would wish to say, that it is mostly of those who came up the street near to where Mr. Buxton's house was, that

I am speaking, for I had not the same means of judging of the others.

Q. Could you perceive, by the banners, whence they came?

A. No; we could not distinguish the banners.

Q. Did you see the parties take up their ground?

A. I did; they advanced a certain distance and wheeled. An order was given to wheel. They then turned round and marched up to the hustings, each party depositing their colours on the ground.

Q. I will not ask you as to the caps of liberty?

A. I saw them in considerable numbers.

Q. As to the sticks—had they sticks with them?

A. They certainly had—a great proportion of the men had sticks; I remarked it particularly.

Q. Do you mean of the whole assemblage or of the divisions?

A. A great proportion of the whole assemblage, that formed the crowd on our side.

Q. As far as you had an opportunity of observing the crowd, they had sticks?

A. They had, by far the greater number of men; that was the impression on my mind then, and continues to be so at this moment.

Q. Do you remember Hunt's arrival?

A. Perfectly well.

Q. Did you go to the window then?

A. I went immediately to the window.

Q. Did you ever hear such a shout before?

A. Never since I was born; and I hope I never shall again.

Q. Do you remember, soon afterwards, a warrant being filled up?

A. I do, immediately.

Q. Is that the warrant? (producing a paper.)

A. It is.

Q. Look at the signatures. There are nine besides your own—do you know the hand writing?

A. I am acquainted with the writing of all except Col. Silvester, and I have no doubt it is his.

Q. Was this in your possession after it was signed?

A. It was.

Q. Did you send for the constable or the boroughreeve?

A. I sent for the boroughreeve; he came: before it was absolutely finished, the boroughreeve, Mr. Andrew, and the deputy constable, Nadin, were in the room.

Q. Do you remember to which of these gentlemen you gave the warrant?

A. In the first instance I gave it to Nadin.

Q. Did you give him any directions?

A. I did; I told him to serve the warrant on the parties named—Hunt, Johnson, Knight, and Moorhouse.

Q. Did he take the warrant from you?

A. It did pass from my hands to him.

Q. What took place?

A. He said he could not serve it; and I remember the conversation that passed.

Q. What was it?

A. I said "what, not with all these special constables"? his answer was —

Mr. Blackburne.—I must object to this evidence. It was ruled at York by Mr. Justice Bayley that it could not be given.

Mr. Justice Holroyd.—The question there was not what was done by the military; the question was, whether it was an unlawful meeting, at which Hunt and the other defendants were present. Therefore what passed in the Magistrates' room could not be evidence against them. It was upon that ground the evidence was rejected.

Q. Your observation was, "what, not with all these special constables"?

A. That was my remark.

Mr. Justice Holroyd.—The question here is not whether it was necessary to call in the military, but whether the military were acting in aid of the civil power.

Mr. Serjeant Hullock.—A warrant is given by Mr. Hulton to the officer; the officer says he cannot execute it. I am going to shew you the reason he had for saying so.

Mr. Justice Holroyd.—I do not say it will decide the issue.

The issue here, is not whether the employment of a military force was necessary. It was so in the case of Sir Francis Burdett. That was an action against the Sergeant at Arms, for breaking into his house in order to arrest him, under the Speaker's warrant; and the question was, whether he had come with a larger military force than was necessary, and whether he ought not to have first tried the civil power. And it was held, that it was not necessary, in the first instance, to try the civil power. In the case of the King and Coleman, I was one of the counsel; and I remember Mr. Serjeant Shepherd, now the Lord Chief Baron of Scotland, contending that he ought to have tried the civil power first. It was held, that whether he ought or not to have tried the civil power first, was for the consideration of the Jury; and that he was not bound to hazard the civil power, and put it unnecessarily in danger.

Q. In your judgment, Mr. Hulton, from the appearance the mob exhibited, would it have been safe to have entrusted the execution of the warrant to the civil power alone?

A. I quite concurred in the observations made by the borough-reeve, the head constable, Mr Andrew, and Mr. Nadin, the deputy constable, that it was impossible, and that I durst not take on myself the responsibility of ordering them to go without the military.

Mr. Justice Holroyd.—This is what was said in the court of Exchequer in the case of *Burdett v. Abbott*. It was said by Sir James Mansfield, Lord Chief Justice of the Common Pleas, in the Exchequer Chamber, and afterwards confirmed by the House of Lords. It is in respect of the soldiers acting in aid of the civil power. It was an action against the Speaker of the House of Commons. He says "much has been said about soldiers. I will correct a strange mistaken notion that has got abroad, that because men are soldiers they cease to be citizens. A soldier is gifted with all the rights of other citizens, and is bound to all the duties of other citizens, and he is as much bound to prevent a breach of the peace or a felony, as any other citizen. In 1780, this mistake extended to an alarming degree. Soldiers, with arms in their hands, stood by and saw felonies committed, houses burnt and pulled down before their eyes, by persons whom

they might lawfully have put to death, if they could not otherwise prevent them, without interfering; some because they had no commanding officer to give them the command, and some because there was no justice of the peace with them," Gentlemen, I witnessed some of these things, and, perhaps, there may be other persons in Court who may recollect them. "It is the more extraordinary, because formerly the *posse comitalis*, which was the strength to prevent felonies, must, in a great proportion, have consisted of military tenants who held lands by the tenure of military service. If it is necessary, for the purpose of preventing mischief, or for the execution of the law, it is not only the right of soldiers, but it is their duty to exert themselves in assisting the execution of a legal process, or to prevent any crime or mischief being committed. It is therefore highly important that the mistake should be corrected, which supposes that an Englishman, by taking upon him the additional character of a soldier, puts off any of the rights and duties of an Englishman." This was stated upon an occasion, which goes only to a part of the issue in the present case. Here the excess of the military force employed, is not in issue. If the Magistrates think proper to call in the assistance of the military, it is for them to judge of the necessity of doing so, upon a fair and reasonable consideration of all the circumstances of the case.

Q. Mr. Hulton, will you just repeat what you said?

A. The observations which I heard from the boroughreeve, Mr. Andrew, one of the head constables, and Mr. Nadin, the deputy constable, were such, that I durst not have taken on myself the responsibility of ordering the execution of the warrant without military assistance; and I am sure that all the Magistrates concurred with me in that opinion.

Q. That being your opinion, did you send for the military?

A. In concurrence with all the other Magistrates, I wrote two letters.

Mr. Justice Holroyd.—Containing a request for the military?

A. One to Col. L'Estrange, and another to the commander of the Manchester Yeomanry. Mr. Trafford, of Oughtlington, the

Magistrate, was with Col. L'Estrange. We had particularly deputed him to attend to the military, and he was with them the whole of the morning.

Q. Did he come with Col. L'Estrange ?

A. He had been particularly deputed to that office, from an opinion that if we were unfortunately compelled to call in the military, it would be right to have one of our own body with them.

Q. Had they determined in the morning not to call in the military, unless the appearance of affairs should render it absolutely necessary ?

A. After mature deliberation, we determined not to use the military force till the meeting assumed a decidedly illegal appearance ; until we had no other means of preserving the peace of the town.

Q. When you wrote these two letters, had the meeting assumed such a character, as rendered it necessary to take such a step for insuring the safety of the town ?

A. I considered, at that moment, that the lives and properties of all the persons in Manchester, were in the greatest possible danger. I took this into consideration, that the meeting was part of a great scheme, carrying on throughout the country. We had undoubted information upon that point—of the existence of such a scheme, we had received undoubted information.

Q. That is one of the letters, (producing a letter,) addressed to the commanding officer, Portland-street.

A. At the time I wrote it, I did not know that this officer was one of the Manchester Yeomanry.

Q. Was that the nearest corps ?

A. I understood that both would arrive at the same time ; the other letter was nearly similar.

Q. Messengers were dispatched off with these two letters ?

A. I gave them to one of the constables, directing him to do so.

Q. Do you remember the arrival of a troop of the Manchester Yeomanry ?

A. I believe it was a squadron.

Q. They formed to the right of Mr. Buxton's house ?

A. They formed to the right of Mr. Buxton's house.

Q. Had you any opportunity of observing the state of the field ?

A. Previous to that, sometime previous, I had particularly observed one part of the field.

Q. What part of the field are you now alluding to ?

A. I went to the window, and I believe I saw the arrival of a second cart covered with planks, which was drawn to that part of the field where the hustings were. I understood there had been a cart before. I saw a cart come, covered with planks, upon which a considerable number of persons who had surrounded the first, being bareheaded, rushed between the hustings and the cart, and eventually got between the hustings and the special constables. I think they were in the act of joining the carts, but they moved the cart further from the house. There was a rush of the persons who were bareheaded, which made me remark the distinction between them and the constables.

Q. A rush into the interval made by moving the cart ?

A. They filled up the space ; one of the Magistrates had a small opera glass, which I borrowed, that I might more accurately observe what they were about ; and I distinctly observed that they were linked arm in arm. I took particular notice with the glass, and I believe I immediately expressed what they were about, to the gentlemen who were in the Magistrates' room. I should wish to observe, that at no period of the day was the crowd so dense between the hustings and the Magistrates' house, as in other parts of the field ; and therefore we had a better opportunity of observing what was going on on that side.

Q. The people between you and the hustings were not so dense as in other parts of the field : were you able to see how deep the persons were, who linked arm in arm in the way you have described ; what number of rows there were ?

A. The impression on my mind was then, that it was from eight to ten in depth. I have had no reason to change that opinion.

Q. That was the impression on your mind then, and continues so still ?

A. Certainly. And I would beg to add, one strong reason with

me for being convinced that the phalanx extended round the hustings, was, that when each party brought up their colours, and deposited them, there was no confusion by the additional pressure ; there seemed to be a space given where the colours could be deposited.

Q. That is your reason for thinking the phalanx extended round the hustings, but you had no opportunity of judging of the other part ?

A. I had no doubt it did.

Q. When the Cavalry drew up and formed in the way you have mentioned, near the house, how were they received by the mob ?

A. There was a tremendous loud cheering. The people faced round, and waved their hats and sticks in the air. I heard some hisses, but I don't mean to assert that that was by any means general.

Q. Did you observe the advance of the Cavalry after that, towards the hustings—do you recollect any thing that intervened before that time ?

A. The Cavalry returned the cheering and waved their swords.

Q. After that, did you observe the Cavalry advance ?

A. I did.

Q. Do you remember by whom that part of the Cavalry was commanded, at that time ?

A. I do not know.

Q. Did you see Mr. Moore, or Mr. Andrew, or Mr. Nadin with them ?

A. I saw either all or some of them, but I will not charge my memory to say which joined them before the advance ; I could not say they were in company in any way.

Q. Did you pursue the Cavalry with your eye towards the hustings ?

A. Certainly, I did.

Q. Was your attention continued towards them, until they arrived at the hustings ?

A. I observed them as nearly at the hustings as possible. I will not take on myself to swear whether they had absolutely reached the hustings or not, but it was as nearly as possible,

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Q. Did they encounter any interruption or obstruction, at the place of which you are speaking?

A. There seemed to be a general resistance. I cannot swear that I saw any man or horse individually struck; there was a general resistance.

Q. In what way did that resistance appear?

A. I saw stones and brickbats flying; and I have no reason to doubt, I think, at whom they were levelled.

Q. You say you saw stones and brickbats flying?

A. I beg to say it was when they were just approaching very near the hustings. There was nothing I saw at the commencement.

Q. When they had arrived nearly at the hustings?

A. I saw stones and bricks and missiles flying about.

Mr. Justice Holroyd.—You said something about sticks.

A. Stones and bricks. I have no doubt sticks were there, but I can speak more positively as to stones or bricks; but there were missiles of all sorts.

Q. But to the other things you speak positively?

A. I have no doubt as to any part. I cannot speak further as to what was thrown; there were things flying in the air; it was just when they were coming up to the hustings. I cannot say whether they were in the act of surrounding the hustings or not, but it was just when they came up to the hustings. There might have been a considerable quantity thrown, and I not see them.

Q. Was there a vacancy in the rear of the Cavalry, or was that supplied by the people; or in what way was that occupied as they advanced?

A. The space which they had caused, if it could be called space, for they were so intermixed as scarcely to leave any thing like space, was immediately closed in.

Q. Were the Cavalry surrounded by the people when they reached the hustings, or near the hustings?

A. Unquestionably; the mass of people had entirely surrounded them when they reached the hustings.

Q. What was the impression upon your mind, then, respecting the situation in which the Cavalry at that time were?

A. I conceived the Cavalry, amounting then, as I believe they did, to only about sixty, and surrounded by that immense mob, in imminent danger. They were separated very quickly one from the other.

Q. By the intervention of different portions of the mob?

A. Certainly.

Q. Did that impression induce you to take any other steps for their safety; pursue any course for the safety of the Cavalry?

A. It did; Col. L' Estrange arrived under the windows of Mr. Buxton's house with part of the 15th., followed by part of the Cheshire Yeomanry.

Q. Did you give any orders, and what were those orders, to Col. L' Estrange?

A. He was looking up at the window and asking, "what am I to do," or "what are they doing?" I said, "good God! sir, don't you see how they are attacking the Yeomanry; disperse the meeting."

Q. In your judgment, was that step necessary for the preservation of the Yeomanry?

A. I think such responsibility rested upon me, that if I had not done it, I should have been answerable for the lives of the Yeomanry.

Cross-examined by Mr. Blackburne.

Q. Now, Mr. Hulton, I understand you to say that you had information, which you believed correct, concerning corresponding societies?

A. Unquestionably.

Q. You were aware that, by law, you could suppress those societies?

A. I was not. I don't think I could—not without very absolute proof.

Q. The proof did not amount to such as you thought was sufficient to enable you to get rid of those societies?

A. It was such proof as left no doubt on my mind, nor, I believe, on that of any of the committee of Magistrates.

Q. On your mind?

A. On none. I should have heard it expressed if it had on the others.

Q. Probably so; we must take their doubts from themselves. When you received the requisition for the 9th, placards were posted that it was illegal, and the people should not attend it?

A. Certainly.

Q. You say you afterwards received a requisition about the 16th—you saw that?

A. I saw that.

Q. No such order as not to attend it was issued on that occasion?

A. There was not, for this reason; that we considered the object, as specified in the second requisition, to be legal.

Q. And therefore did not forbid it?

A. Certainly; the avowed object of the second requisition we considered to be legal.

Q. You had, before that time, understood that these trainings and drillings were going on?

A. We had.

Q. Before that time, you had also received information as to the state of the country?

A. We had, from time to time, before the 16th.

Q. When was you, on the morning of the 16th., aware that parties were coming to Manchester?

A. I was not aware from whence the parties would arrive; I don't think any of the Magistrates were.

Q. Then you had not, then, information of the places from which the different parties were coming?

A. We expected them, undoubtedly. We had information of drillings, in different neighbourhoods, and unquestionably expected them.

Q. You had no doubt, parties were coming from the various places?

A. We had no doubt.

Q. Did you see the first party that came into the field arrive, or was there a party come before you went there?

A. We were all there before any party arrived.

Q. You saw the first that came?

A. Certainly.

Q. What time think you was it when they first arrived?

A. I should think perhaps half past eleven or something of that sort.

Q. You say that Mr. Buxton's house had a complete view of the area of the field?

A. It had.

Q. I presume the upper window has as complete a view as the one that you was in?

A. I should think better.

Q. As I understand you, you did not see any stones or brickbats thrown, until the Cavalry had got so close to the hustings, that you hardly knew whether, at that time, they were not at the hustings?

A. It was so; they were just approaching. They did not surround the hustings, but they were just on the eve of surrounding them.

Q. Do you know about what distance it was, from Mr. Buxton's house to the hustings?

A. I know now; I miscalculated upon a former occasion. I believe it is about a hundred yards.

Q. At how great a distance from the hustings did the crowd of people extend, towards Mr. Buxton's house, previous to the constables and Yeomanry advancing?

A. I really cannot speak to distances. I should think nearly half way. I think there were more spectators on that side than on any other part of the field, and there were straggling parties all ways. I should think it was nearly half way before the mob became very dense. I think so.

Q. Then I understand you to say, that when you observed the locking of arms, it was a good while before the Cavalry advanced to the hustings?

A. It was.

Q. When you took the observation with the glass, it was a good while before?

A. Some time before, it certainly was.

Q. Some time?

A. It was a thing made very little impression upon me at the moment—the locking of their arms.

Q. You followed the Cavalry, you watched them go from Mr. Buxton's house to the hustings; did you observe them the whole way?

A. No; I will not swear that; I cannot swear it. Indeed, there were so many persons speaking in the room, so much noise, that I cannot say I saw them the whole time. There were so many objects that attracted my attention, that it is impossible to say whether I observed them the whole way or not.

Q. Did you afterwards see any body in Mr. Buxton's house that was wounded?

A. I did.

Q. A pregnant woman?

A. I really cannot answer for the woman's pregnancy.

Q. Yet did see a woman?

A. I did see a woman.

Q. How soon was that after the Cavalry had advanced to the hustings?

A. It must have been very quick; at least it was just as I went into the room, after Hunt was brought in custody, and I think the woman was there then. Really I am not very positive on that; I only know I did observe the woman in the room.

Q. From the time of the advance of the Cavalry from Mr. Buxton's, to the dispersion of the crowd, how much time do you think was occupied?

A. Perhaps eight minutes—that is the probability if you mean the flight of the crowd. Am I to understand that you ask as to the total dispersion of the meeting?

Q. To the general dispersion?

A. I should think about that time.

Q. From their advance from Mr. Buxton's house?

A. Eight or ten minutes—eight minutes perhaps till their flight began. I think perhaps that would be the more correct way of putting it; but it was very rapid.

Q. And the multitude that had got together very large?

A. The multitude, of course, was immense; they fled the instant, apparently, that Col. L'Estrange advanced, and I deemed that the

dispersion of the meeting, because the place was not cleared for a long time.

Mr. Justice Holroyd.—You deemed Col. L'Estrange coming and acting, the dispersion of the meeting?

A. Certainly.

Q. Were you with Mr. Hay and Mr. Norris on the evening of that day?

A. I was; at the Star Inn.

Q. Was Mr. Hay in the room, at the time when you were looking out of the window, and saw the Cavalry advance to the hustings?

A. He was not, I believe. I believe not. I believe he went down immediately upon the Cavalry forming in front of Mr. Buxton's house, I believe so; but I will not be positive upon that point.

Q. Did you inform Mr. Hay of the stones and brick bats that you had seen?

A. It was a matter of common conversation—a matter of adjacency.

Q. As with regard to Mr. Hay as to you?

A. I don't know that; but I should be inclined to say so.

Q. Mr. Hay must have known, then, that the place had been cleared of cart loads of stones, before nine o'clock of the morning of that day?

A. I should think so.

Q. You considered it rather an important transaction?

A. I considered it a very important transaction. I did not know myself, the ground had been cleared of that immense quantity: I considered it a very important transaction, the throwing the stones.

Q. I need not ask you, Mr. Hulton, whether you feel a considerable interest in this question?

A. I certainly do feel a deep interest in it. Having said that, I hope you will allow me to add, that when I ordered the advance of the force of Cavalry, it was to save, and not to destroy, the lives of my fellow-creatures.

Re-examined by Mr. Sergeant Hullock.

Q. Do you know by what approach, or by what road, the cavalry came upon the ground?

A. The first squadron of the Manchester Yeomanry came up by Cooper-street, and turned round the corner of the wall near Mr. Buxton's house.

Mr. Serjeant Hullock.—Your lordship will see in the plan there is a dotted line.

Q. I think your note was directed to the commanding officer in Portland-street?

A. Portland-street.

Mr. Serjeant Hullock.—Your Lordship will, by the dotted red line, ascertain the road whereby the Cavalry approached the ground, that is, the Manchester Yeomanry. Then you will see also, in the other part of the map, the line of approach of the Dragoons and the Cheshire Yeomanry, from St. John's Church, St. John-street, and they came on the ground to the left of the row of houses, in which Mr. Buxton's house is situated; the others approaching from the right.

Questions by Mr. Blackburne.

Q. Will you have the goodness to tell me whether the Cheshire Yeomanry and the Hussars came together?

A. The Hussars preceded the Cheshire Yeomanry.

Q. Did they come together?

A. Very nearly. The 15th. Hussars preceded a little. I think there was a little space, but there was a very little.

Mr. Blackburne.—An interval of a minute?

Mr. Serjeant Hullock.—A minute is every thing at that time.

Q. Was there not another troop of the Manchester Yeomanry that followed the 15th. Hussars?

A. I cannot speak to that.

Q. The other approaches to the field—the other avenues which led to and from the field, with the exception of those two whereby the Cavalry respectively approached, were then free and open to the people to get away?

A. The Magistrates had nothing to do with the military arrangements; every street was perfectly open.

Q. There was no obstruction to their moving from the field at any other avenue, with the single exception of those two?

A. Not that I know of. The Hussars came a long way round, and would have arrived, I hoped, at the same time.

Q. The two main approaches to the field were quite open and unobstructed during the whole of the time?

A. Certainly.

Mr. Serjeant Hullock.—That is the note from Mr. Hulton to the commanding officer in Portland-street. I will call a witness who carried it, and who delivered it.

Mr. Cross.—(Prothonotary.)—It is signed “Wm. Hulton,” without date.

Mr. Serjeant Hullock.—Just swear Mr. Joseph Birley.

Joseph Birley sworn: examined by Mr. Serjeant Hullock.

Q. Look at the outside of that, Mr. Birley, (showing a letter;) from whom did you receive that on the 16th. August?

A. From Mr. Andrew, the constable; a note thus directed, I am certain.

Q. Did you immediately carry it with all practicable dispatch, and deliver it to the commanding officer in Portland-street?

A. I did not go immediately with it.

Q. Did you carry it finally?

A. I did, finally, on horseback, and I went quickly then.

Q. Whom did you find in command when you arrived there?

A. I saw it into the hands of Major Trafford.

Q. The commanding officer of the Cavalry?

A. Yes; and I saw it in his hands. Should I state why I did not go immediately?

Q. You went as soon as you could I suppose?

A. It has been insinuated the Yeomanry were first sent for.

Q. That is the note?

A. A note so directed I received and conveyed.

Mr. Cross.—(Prothonotary.) This note is without date, my Lord, signed “Wm. Hulton,” directed to the commanding officer in Portland-street. “Sir, as chairman of the select committee of Magistrates, I request you to proceed immediately to No. 6, Mount-street, where the Magistrates are assembled. They conceive the

civil power wholly inadequate to preserve the peace. I have the honor" &c.

Mr. Serjeant Hullock.—I propose to read this paper now, which is signed by the gentlemen whose names you see. It is a sort of declaration of their apprehensions. Your Lordship knows what it is—it is the paper which was alluded to by Mr. Hulton.

Some discussion here took place as to the propriety of reading this document, which ended in its not being read.

The Rev. Wm. Robert Hay sworn: examined by

Mr. Serjeant Cross.

Q. After all that we have heard, I shall trouble you with very few questions. We understand from Mr. Hulton, that you occasionally assisted the committee of Magistrates?

A. I did.

Q. Though you were not yourself one of them?

A. I was not one of them, because I was obliged to return home into Yorkshire, and could not give constant attendance, and therefore, I withheld myself till I found it necessary to come to them.

Q. On what day preceding the 15th. August, did you arrive at Manchester?

A. As soon as I heard that the Magistrates had forbidden the meeting that was to take place on the 9th., I immediately set out; and I believe that was upon the 4th.; and I slept at Wakefield, and got, in good time the next day, to Manchester.

Q. That would be the 5th. August?

A. That would be the 10th. or 11th. day before the meeting of the 16th.

Q. Did you remain there, Sir, to perform the duties of a Magistrate, till after the meeting was over?

A. I remained there till the afternoon of the 17th.

Q. During all that time were you employed in concerting measures for the public safety?

A. I gave what attendance I could to the gentlemen of the committee. I had constant access to them, and I gave them much

advice and assistance as I thought was requisite, wishing not to interfere with their general arrangements.

Q. You remained at Manchester for that purpose?

A. For that purpose.

Q. You, we have already learnt, Mr. Hay, were at the meeting of Magistrates at Mr. Buxton's house?

A. I was.

Q. Was there any proclamation read of the riot act.

A. There was. Prior to the meeting of the 16th. I directed impressions to be made on cards, one of which I have here, of the proclamation, in order that they might be distributed amongst the Magistrates; and I myself distributed them amongst them. This is one of them (showing a printed card).

Q. That, I presume, is the proclamation required by the riot act to be read on such occasions?

A. It is.

Q. About what time of the day was it read?

A. It was read just at the time, I think, in the interval between the Yeomanry coming up, and whilst they were forming—just as they began to form. That is the recollection that I have of it.

Q. By whom, sir, was the proclamation read?

A. By the Rev. Mr. Ethelston, one of the Magistrates.

Q. Where was he stationed, when he read it?

A. In a one pair of stairs room, in Mr. Buxton's house.

Q. From what part of the room?

A. He read it with his head very far out of the window. The base of the window, (I don't know how to describe it,) the lower part on which the sash attaches when it is down, was very low, not much higher than where I am now standing. He leant so far out, that I stood behind him, ready to catch his skirts for fear he might fall over. Mr. Ethelston is a gentleman whom I have occasionally heard sing, and he has a remarkably powerful voice. When he drew back his head into the room, after having read the proclamation, I observed to him, "Mr. Ethelston, I never heard your voice so powerful."

Mr. Justice Holroyd.—It was powerful, was it?

A. Very powerful indeed, my Lord ; I could not have conceived he could have thrown it out, under the circumstances, so far.

Q. I presume you had observed the demeanour of the multitude throughout the course of the morning ?

A. I had.

Q. And down to that time ?

A. I had.

Q. Was it a quiet, or, in your judgment, a tumultuous meeting ?

A. It was, under all circumstances, either as to common apprehension, or as to what one has heard described in law books as an illegal meeting, as illegal a meeting, in my apprehension, and as tumultuous, as one could have expected to have seen. By tumultuous, I mean this ; such as was calculated to inspire terror in the King's subjects.

Q. Upon your own view, prior to the proclamation, had you felt any alarm for the tranquillity and safety of the town ?

A. Very great. And in that view, I should have considered that the Magistracy would have betrayed the trust that was committed to them, if they had not taken effectual means to apprehend the promoters of the meeting.

Q. You heard the shout, I believe, at the moment the Yeomanry arrived in front of Mr. Buxton's house ?

A. I heard the shout, and saw the demeanour of the mob, and the way in which they turned themselves round. I could not mistake it to be in marked defiance of the Cavalry.

Q. Prior to the meeting, did you concur with Mr. Halton and the other Magistrates, in their determination, if possible, not to require military aid ?

A. Undoubtedly I did. From the reports we had heard, it became absolutely necessary that the civil power should avail itself of all the military that it could, by any possibility, get within its reach, to be ready for the safety of the public ; and I wrote a note, requesting the assistance of the military, to Col. L'Estrange, which was signed by Mr. Halton, as chairman. It was delivered to Col. L'Estrange in my presence.

Q. When was that ?

A. I think the evening before.

Q. That was merely to desire he would be in readiness?

A. In readiness. It should be understood, we had nothing to do with any arrangement of the military.

Mr. Justice Holroyd.—That was the day before?

A. The day before.

Q. I think you say the Magistrates had nothing to do with the arrangements of the military, that you left that to the commanding officer?

A. Most pointedly. Having requested that Col. L'Estrange, who had heard something with regard to the state of the country, would be good enough to retire into another room, and make his own arrangements.

Q. Judging him doubtless more competent to make those arrangements than yourselves?

A. Judging we had nothing to do with military arrangements; military men must make their own arrangements; we only called for military service.

Q. Then, under the circumstances of the moment, in your judgment, could the civil power have executed your warrant alone?

A. I can only say this, that if I had thought fit, which I had a right to do upon my own view, to have proceeded to arrest these persons who were upon the hustings, I could not have done it without the aid of military power; and, of course, I could not depute other people to do that which I should not dare to do myself.

Q. You were going to add something?

A. Having been present when Mr. Hulton gave his examination, I think it right, for the justice of the case, to set a matter right upon which he had certain doubts. He stated that he believed that I was down in the area at the time that the Yeomaury came up, and afterwards, with regard to my seeing the sticks. The truth was, though I did go down into the area, I saw the formation of the Cavalry, I saw the manner in which they went up to the edge of the crowd, and I observed that when they got there, they were not let into the crowd as if they had made a charge; but they got in as they could, sometimes one alone, sometimes two,

sometimes three ; and that as fast as any got in, the crowd closed upon them. In a little time I saw such matters as Mr. Hulton speaks to, of stones and things flying about, and I saw bricks flying, and sticks playing about.

Mr. Justice Holroyd.—When you was down in the area ?

A. I was in the room ; Mr. Hulton was mistaken ; at least, he was not certain about it.

Q. When you saw the Cavalry in the crowd ?

A. After they had entered the crowd in the way in which I have described.

Q. You saw what ?

A. Stones and different things flying in the air ; some sticks flying in the air, and some as if they were playing about. I saw the tops of them. From the scattered way in which the Yeomen had been able to enter the crowd, and observing those circumstances that I have related, I was under apprehension, looking at the state of the crowd, that the civil power—for there were constables there in the crowd, as well as Cavalry, that they might be demolished, the crowd was too great for them.

Q. That they were overpowered ?

A. That they were overpowered. I had many personal and intimate friends in the corps of Cavalry, and among the special constables ; and I never shall forget the relief my heart felt, when Col. L'Estrange had come upon the ground, and I saw every thing right.

Q. You were not aware, perhaps, at the moment, that any person had been hurt ?

A. I saw nothing but the general confusion ; but the sight was dreadful. It was dusty then ; there was so much dust flying, that it had a worse appearance than it could have at another time. It appeared to me to be as black a thing as one could see ; it was dreadful to me.

Q. Is there any thing else you would wish to add ?

A. No ; any more than this. That as early as July the 21st., about a week before the sessions, I had been suddenly called upon by Mr. Norris of Manchester. In consequence of that, I went to

Gen. Byng. I came to the sessions. I advised the appointment of this committee, and so on, and I felt it necessary to report to the General the instant I got back.

Cross-examined by Mr. Evans.

Q. Where did you reside at this time?

A. I resided at that time, from whence I came now, about eight miles beyond Wakefield.

Q. You were then rector, and are yet rector of the same place there?

A. I am rector of Ackworth.

Q. Since this took place, you have had another living?

A. Since this took place, I have been presented, by the Archbishop of Canterbury, to the living of Rochdale.

Q. You have stated, Mr. Hay, that the riot act proclamation was read just on the Cavalry coming on the ground, and before they had formed?

A. The truth of the matter is, it passed in so little time, that any body might honestly mistake two minutes. I believe the whole of the transaction did not last much above ten minutes.

Q. As far as you recollect, the riot act was read in that space of time?

Mr. Justice Holroyd.—It is called reading the riot act; in fact, it is a very short proclamation.

Q. It was during that time that you read this proclamation?

A. I did not read it, Mr. Ethelston did.

Q. Supposing there was a person in a room above, and another person on the steps of the door of the house, must they not have heard him read it?

A. That must depend on people's organs, and different things. I can only say it was read, and those circumstances passed as to myself and Mr. Ethelston.

Q. As he has a fine voice in singing, and it is uncommonly loud, is it possible any person could stand in those positions and not hear it?

A. I cannot say. I cannot argue what other people's sensations may be.

Q. When did this meeting become so tumultuous and illegal?

A. I will explain what I meant by tumultuous ; that sort of meeting which I consider illegal, and a breach of the peace, either in point of common sense, or according to legal authorities.

Q. You are no doubt a great criminal lawyer, but you are not come here to give us the law. I should like to know what breach of the peace you saw committed?

A. I consider a breach of the peace committed by large bodies coming into a town in such a manner as to strike terror into his Majesty's subjects. I consider that a breach of the peace; whether I am mistaken or not I do not know.

Q. Was it from the beginning of your first going there that you thought that?

A. I could have no doubt, by the time I had seen two or three of the different columns, coming in with those ensigns, that they were coming in in a sort of way that was not consistent with the preservation of the peace; but when I connected with that the emblems that I saw, and the flags which I saw, I think I could not be mistaken, that that was a considerable aggravation of the attack on the peace of the country.

Q. You read the inscriptions?

A. They were pointed out to me; I saw them. I saw the black flag, and something of a representation of a pike. Several of the inscriptions were visible; the flags waved as they were moved by the wind. I could have no doubt, having seen these things, any one of them singly denoted a bad intention; taken altogether, it is rather too much to expect I should come to any other conclusion.

Q. I ask you, Dr. Hay, on your oath, did you see any breach of the peace on that day?

Mr. Serjeant Hullock.—He is not Dr. Hay.

A. I consider what I have said to be a breach of the peace.

Q. Any thing else than that?

A. I consider what I have stated to be itself a breach of the peace.

Q. Any thing else, Mr. Hay?

A. I don't know that I did see any thing else?

Q. Pray what was the number of military that were collected together that day?

A. I have not the least guess. I have no doubt that all collected in Manchester were brought within reach that day. I cannot tell any thing of the number. I know nothing of the squadron that went up to the ground.

Q. You say you saw stones thrown?

A. I saw stones flying.

Q. Were there any stones on the ground in the morning?

A. I did not go on the ground in the morning. We went directly from the Star to the house.

Q. Did you see Mr. Norris that evening?

A. Certainly; I could give you an account of that evening, but it would be tedious.

Q. All I want is an answer to my question; you need not trouble yourself to do any thing more?

A. It was not till very late in the evening.

Q. Did you give an account of the proceedings of the day?

A. I did; that was my reason for saying that I saw Mr. Norris very late. I had been engaged out of doors; I came in very late, and I ought to have written the account which he was obliged, in a great hurry, to write, I being so fatigued. When he wrote the letter——

Q. Did you mention to Mr. Norris this important fact of stones being thrown?

A. We had no power; there was not any time to do any thing, but write the best account, in a hurry, we could. We could merely save the post, and I was unable to keep a copy of the letter. And I think it right to state, that there are in the letter some things overstated, with regard to four women reported to be dead; but it was the best account we could give, and such as was reported to us to be true.

Q. You did not communicate the fact to Mr. Norris that night?

A. We had no opportunity of communicating facts.

Q. Did you see any body wounded?

A. Nobody.

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Q. You did not see any body brought into Mr Buxton's house wounded ?

A. I believe you allude to a woman. I did see a woman who seemed to be oppressed with heat and fright. I saw her sitting in a chair in the room where Johnson and those people were brought in.

Q. You will swear you believe she was not wounded ?

A. This is the first time I heard it mentioned she was.

Q. Did you look at her accurately ?

A. Upon my word, there seemed to be no great temptation.

Q. Did you see any blood flowing from her ? It may be very laughable to you, but that day is not so laughable to other people.

A. Certainly not ; else I should have supposed she must have been wounded.

Q. You saw the troops advance towards the edge of the constables ?

A. I did.

Q. How far was that edge from the house where you were ?

A. I am a very bad judge of distances. I should really think somewhere about 50, 60, or 70 yards.

Q. Do you recollect Hunt coming to the Police Office, and offering to surrender himself on the Saturday night before ?

A. I was not there. I was going down to the New Bailey, and I met Hunt and Johnson in a gig coming over Salford bridge, as from the New Bailey. When I got to the New Bailey, I heard he had been there, and had been asking some questions about a warrant.

Q. State what time the reading of the proclamation, required by the riot act, might occupy ?

A. It is two or three short lines. That is the whole of it (handing a card).

Mr. Justice Holroyd.—The words of it are stated in the Act of Parliament.

Mr. Cross (Prothonotary) read the proclamation as follows :

“ Our Sovereign Lord the King chargeth and commandeth all persons, being assembled, immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, upon the pains contained in the Act made in the first year of King

George the First, for preventing tumults and riotous assemblies. God save the King."

Mr. Justice Holroyd.—That is what they call reading the riot act. That is the common expression.

Thos. Wm. Tatton, Esq. sworn: examined by Mr. Serjeant Cross.

Q. You are one of the Magistrates of the neighbouring county of Chester?

A. I am.

Q. Brother to Mr. Egerton the member for the county?

A. I am.

Q. You, we understand, were one of the committee of Magistrates of the two counties?

A. I was.

Q. You have heard what Mr. Hulton, the chairman of the committee, has stated; do you concur with him as to the alarming state of the country at that time?

A. Decidedly so.

Q. Do you concur with him in the alarming appearance of the bodies, that marched in from the country?

A. I certainly do.

Q. As a Magistrate, did you feel any apprehensions for the peace and tranquillity of the town?

A. I considered, from the appearance of the assembly that was there, that the town of Manchester was in very imminent danger.

Q. In your judgment, was it practicable for the civil power to have executed the warrant?

A. I think it must have been fatal to any person that did attempt it, unless they were supported by the military.

Q. Then I need hardly ask you, Mr. Tatton, whether the measure had your entire concurrence?

A. Most decidedly so.

Q. Did you exercise your judgment upon the occasion, as a Magistrate, from a sense of duty?

A. I should have supposed that I was not doing my duty pre-

perty to the country, and particularly so to the neighbourhood of Manchester, if I had not; or if I had not acted as I did.

Q. Were you actuated, at the moment, by any other considerations than a sincere desire to discharge your public duty, to the best of your judgment?

A. None whatsoever.

Cross-examined by Mr. Blackburne.

Q. We understand you were well acquainted with Mr. Stanley?

A. I am.

Q. Did you see Mr. Stanley in the Magistrates' room on that day?

A. I did, sir.

Q. Had you any conversation with him about these proceedings?

A. I do not recollect that I had any particular conversation with him respecting this meeting; but I perfectly well remember that I took him up stairs into a room above where we were stationed, that he might have a view of the assembly.

Q. Did he not, sir, before he left the room below, remonstrate with you on calling in the military?

A. Never.

A. And did not Mr. Stanley say to you, "well, I am not a Magistrate; it would not be delicate for me to interfere"?

A. I don't recollect any thing of the sort passing between us. I can almost positively say it did not.

Re-examined by Mr. Serjeant Cross.

Q. When Mr. Stanley stated, on his oath, that he had made no such remonstrance, that was correct, according to your recollection?

A. Certainly; according to my recollection.

The Rev. Charles Wickstead Ethelston sworn: examined by Mr Littledale.

Q. I have only two or three questions to ask you. You are a Fellow of the Collegiate Church of Manchester, and a Magistrate for this county?

A. I am.

Q. Were you one of the Magistrates who were at Mr. Buxton's house on the 16th. August, 1819?

A. I was.

Q. Did you see different parties of men come upon the ground?

A. I did.

Mr. Laidlaw.—It is only to know what he saw, before reading the riot act.

Q. Did you see Mr. Hunt and his party come upon the ground?

A. Very plainly; very distinctly.

Q. Did the assembly appear to you to be tumultuous; and did it appear to you to be a proper measure to read the proclamation in the riot act?

A. It appeared to me to be highly proper to read it, certainly.

Q. Did you read it?

A. I did read it; and I have luckily found the very identical card from which I read it, which is in my possession. I can swear to it. It is similar to the one lately produced by Mr. Hay.

Q. Where was you when you read it?

A. I was in the house of Mr. Buxton, and I read it out of a window—the first floor.

Q. Did you read it out of a window?

A. I did. I exerted myself in every manner possible.

Q. You read it out of a window. Were you going to read it out of the area in front of the house?

A. I made several attempts to read it in the area, but I found it impracticable, of no use whatever; I could not possibly be heard. It may be proper to state, that I came on horseback, that I had my servant with me, and he took the horses, by my orders, round the house where we were. I came down for the purpose of finding my horse, I looked for my servant, but I could find him no where, otherwise it was my intention —

Mr. Evans.—I object to this gentleman telling his intention.

Witness.—I was only going to shew why I did not read it in the area.

Mr. Serjeant Hullock.—Our time is wasted by these frivolous objections.

Witness.—It was my intention to have mounted my horse, for the purpose of elevation.

Mr. Justice Holroyd.—You intended to go out and read it?

A. On finding that impracticable, I read it out of the window.

Q. I believe Col. Silvester was one of the Magistrates who attended the meeting?

A. He was.

Q. Do you know whether he made any endeavour to read the riot act?

A. After I had read the riot act out of the window, he said to me —

Q. We cannot have the conversation, I ask only whether you know he had made the endeavour?

A. I was going to state that he said to me —

Q. He went down and made the attempt; I understand you did not see him yourself?

A. I did not.

Q. Did you see Col. Silvester make any attempt to read the riot act?

A. I did not.

Q. Did he leave the room for the purpose?

A. He left the room for the purpose of reading it.

Q. Did you concur in the propriety of calling in the military in aid of the civil power?

A. Most certainly.

Q. Did it appear to you to be necessary?

A. Absolutely necessary.

Robert Feilden, Esq. sworn: examined by Mr. Littledale.

Q. You are a Magistrate for the county of Lancaster?

A. Yes, I am.

Q. Were you at Mr. Buxton's house on the 16th. August, 1819?

A. I was.

Q. Did you take the information which you hold in your hand?

A. I did; and Owen swore to it.

Q. Owen swore to it?

A. He did.

Q. I will just ask you if you also thought it necessary to call in the military in aid of the civil power?

A. Certainly; I heard no difference of opinion about it.

Thomas Joseph Trafford sworn : examined by Mr. Serjeant Cross.

Q. I believe, on the 16th. August, 1819, you commanded the Manchester Yeomanry?

A. I did.

Q. You had a squadron, I believe, under your immediate direction, composed of a party of two troops?

A. Two troops I had with me.

Q. About what number?

A. About sixty or thereabouts.

Q. Did you receive a letter from Mr. Hulton?

A. I did.

Q. Was it put into your hands by Mr. Joseph Birley?

A. It was put into my hands by that gentleman (pointing to Mr. Joseph Birley); I did not know his name at the time.

Q. Did you, in consequence of that, repair to Mr. Buxton's house, where the Magistrates were stationed?

A. Immediately.

Q. Did you accompany your squadron to the hustings?

A. I did.

Q. They were under your command, then, the whole time?

A. They were, the whole of that day.

Mr. Serjeant Hullock.—This is the information taken the 16th. August?

Mr. Blackburne.—I object to reading the information. How does it come to be evidence? Owen is alive.

Mr. Serjeant Hullock.—Owen is dead. It is a proceeding the Magistrates took, under which they were to act, from information on oath made to them.

Mr. Blackburne.—This action has nothing to do with the Magistrates.

Mr. Serjeant Cross.—As to Owen's being alive and ready to give evidence, the man has been in his grave a long time, and we are ready to prove it.

Mr. Justice Holroyd.—I think the fact of his making the information is evidence, to shew the reason the Magistrates took the proceedings they did, and issued the warrant. I don't think it all material to the present action. The Magistrates calling in the aid of the military is quite sufficient. The issue is, whether the military acted in aid of the Magistracy or not. It is matter of fact.

Mr. Serjeant Hullock.—There cannot be a doubt that it is evidence.

Hugh Cholmondeley, Esq. sworn : examined by Mr. Starkie.

Q. I think you reside at Knutsford in Cheshire?

A. I do.

Q. Did you go from thence to Manchester on the 16th. August?

A. I did; in the morning.

Q. Did you see Hunt and his party pass the Exchange in Manchester?

A. I did; and was on the Exchange steps.

Q. Is that the place where the merchants of Manchester and other places meet to transact business?

A. I have seen them there very often.

Q. You have often seen the merchants assembled there?

A. Yes.

Q. What was done by Mr. Hunt and his party on passing the Exchange?

A. There was an amazing shouting.

Mr. Serjeant Hullock.—I don't know whether it is necessary to trouble your Lordship with this over and over again.

Mr. Justice Holroyd.—I don't know what is the effect of it.

Mr. Serjeant Hullock.—It is merely with respect to the insults

and shouts before the Exchange. If the Gentlemen of the Jury have any doubt on these facts we must proceed.

Mr. Blackburne.—We must not have the Gentlemen of the Jury's opinion.

Mr. Serjeant Hullock.—I may ask their opinion.

Mr. Blackburne.—I apprehend my friend has no right to ask their opinion.

Mr. Justice Holroyd.—I don't think you can.

Mr. Serjeant Hullock.—Then I must go on.

Q. What time was it that you saw Hunt pass?

A. I think it was somewhere between twelve and one. I cannot speak exactly.

Q. I will ask you generally, was business going on in Manchester as usual?

A. All business seemed to be suspended. I observed the shops, on my entrance, shut.

Q. What did that appear to be occasioned by—the suspension of business and the shutting of the shops—did you afterwards go to St. Peter's Field?

A. I did.

Q. What time did you get there?

A. I followed a short time after Hunt and the procession had gone on.

Q. Did you see the Yeomanry Cavalry advance towards the hustings?

A. I did.

Q. Will you state what was done to them as they were advancing?

A. Before they came to the hustings, I should imagine somewhere about twenty yards from the hustings, or perhaps more, I observed a shower of stones in that direction.

Mr. Justice Holroyd.—In what direction?

A. In the direction that they were advancing.

Q. Did you see any thing done with sticks?

A. On their nearer approach to the hustings, I observed sticks held up.

Q. Had you seen the Yeomanry, previous to this, before the stones were thrown, on their advancing to the hustings?

A. I had.

Q. Had you seen any act of aggression on their part—any violence?

A. Not a single one.

Q. How did they conduct themselves, this assault having been made on them by the throwing of stones?

A. They got up to the hustings. I did not even see them strike with the edge or the back of the sword; they surrounded the hustings.

Q. Did you see any number of persons with sticks there?

A. A very considerable number.

Q. What kind of sticks were they; were they common walking sticks?

A. I observed many much larger than common walking sticks, and likewise some smaller.

Q. From what you saw of the temper and demeanour of the persons assembled at the meeting, was any danger to be apprehended from it?

A. Undoubtedly.

Q. In your judgment, could a warrant have been executed without the aid of the military?

A. I conceived it utterly impossible.

Cross-examined by Mr. Evans.

Q. Are you a Magistrate?

A. No; I am not.

Q. What are you?

A. I am of no profession.

Q. What hour did you get on the field?

A. I cannot speak to the hour exactly. I followed Hunt immediately after he had got from the Exchange; when the mob had somewhat gone on.

Q. Did you see where the people got the stones from?

A. No; I did not.

Q. You did not see whether they picked them up?

A. No ; I did not.

Q. What part of the ground were you on ?

A. I was about fifty or sixty yards from the hustings—on the Deansgate side.

Q. Was it towards Watson-street ?

A. I do not know Watson-street.

Q. How near were the military to the hustings, when these stones were thrown ?

A. I think somewhere between twenty or thirty yards.

Q. Did you see the Yeomanry cut any body at all ?

A. No.

Q. During the day ?

A. Not during the day.

Q. Nor you saw nobody wounded ?

A. No ; I did not see any body wounded. I saw several people hurt on the ground, but I did not see them wounded.

Re-examined by Mr. Starkie.

Q. I did not ask your profession. You are the nephew of Lord Delamere, and the son of Mr. Charles Cholmondeley, of Knutsford ?

A. I am.

Mr. George Read sworn : examined by Mr. Serjeant Hullock.

Q. Where do you live ?

A. At Congleton in Cheshire.

Q. Did you happen to be at Manchester on the 16th. August, 1819 ?

A. Yes.

Q. Was you in a situation to see the different parties that marched to St. Peter's Field that day ?

A. I arrived there about eleven o'clock, and I saw, I believe, the first party.

Q. Did you observe—(I don't carry you through all the facts,) did you see any of the banners, any of the inscriptions ?

A. The first banner was "let us die like men and not be sold like slaves," or to that effect.

Q. Was that the only inscription you remember ?

A. Sometime afterwards, I saw many others; particularly a black flag, on which was, "equal representation or death."

Q. Do you remember, when the whole party had assembled, observing the number of banners, or the probable number of banners, that were unfurled about the hustings?

A. When the whole party had assembled, when Hunt was there, just about one, there were about twelve; I counted them at the time.

Q. Could you form any estimate as to the number of people altogether collected on the field?

A. I could not, myself; I could not form any estimate at all.

Q. Did you observe whether the party that advanced had sticks or not?

A. I observed there were many sticks among them; my attention was not particularly called to that.

Q. Did you get near enough to hear Mr. Hunt speak?

A. When I first arrived, I was at some distance, but I worked my way, and at the time he began to speak, I got within perhaps a dozen yards.

Q. Was any allusion made by him to the meeting of the preceding Monday?

A. There was in the course of the speech, certainly, an allusion.

Q. What was it?

A. The allusion was, that the meeting had been stopped; but the only effect of it was, that the numbers had been doubled.

Q. Do you remember anything more upon the subject that he said?

A. I believe he termed the mob that assembled "tremendous;" I have a strong impression that he used the word "tremendous," "a tremendous multitude."

Q. You think that was the expression that he used?

A. I believe it was?

Q. Do you remember any thing else that he said?

A. Not in relation to the numbers.

Q. In relation to any thing else?

A. I heard him say "if any one attempts to interrupt you, put him down, and keep him down," or "keep him quiet," or something to that effect: I don't know the precise expression.

Q. Did he accompany that expression by any action that you remember?

A. He was waving his arm about generally, and at that expression he put it down, as if to intimate the manner. It struck me particularly strongly.

Q. I pass over the intervening circumstances, do you remember the Cavalry forming before Mr. Buxton's door and before the house?

A. I do.

Q. Did you see them proceed from thence, after a short pause, towards the hustings?

A. After a short pause, they proceeded towards the hustings. I turned round towards them; seeing them advance, I pressed forward to get out of the crowd.

Q. By the change of your position, did you lose sight of the Cavalry, or did you still observe them?

A. I observed them for a considerable time in part of their advance, but I lost sight of them after they had passed me.

Q. How near had they got to the hustings when they passed you?

A. I was certainly more than half way between the Magistrates' house and the hustings. I was nearer to the hustings by more than half way. I should say two dozen yards—twice the distance I first was.

Q. How near did the Cavalry pass you?

A. They passed very close indeed; I dare say within the distance of the outer circle there—about four yards.

Q. Up to that time you would see them distinctly?

A. Certainly; my attention was fixed on them from regard to my own safety.

Q. At that time had you observed any blows or cuts given by the Cavalry?

A. Certainly not.

Q. Did you, at any time and when, see any sticks or brickbats flying in the air?

A. I saw stones thrown after the Cavalry had passed me.

Q. From whence did these stones appear to you to come?

A. When I was with my face to the Magistrates' house, they came from the rising ground on the right.

Q. That would be on the right flank of the hustings?

A. Facing the Magistrates' house.

Mr. Justice Holroyd.—Towards Windmill-street?

A. Windmill-street, I believe it is called.

Q. Were there several?

A. There were many.

Q. Upon whom, and in what place, did these stones appear to light?

A. They lighted amongst the constables, and amongst the crowd.

Q. Were they amongst the Cavalry?

A. I did not see any particular effect on them.

Q. Were the Cavalry there?

A. The Cavalry had passed.

Q. Before you saw these stones flying, in the manner you have described, had the Cavalry made any blows or strokes on any of the people there?

A. I saw none before or after.

Q. Did you hear the report of any fire-arms that day?

A. Soon afterwards I did, nearer Deansgate.

Q. Could you ascertain from what place or part of the field those reports came?

A. They seemed to me to come from the Deansgate side, whether from amongst the mob or where, I cannot tell.

Q. From the manner in which these respective divisions or parties went to the field, and from their appearance after they had been assembled, in your judgment, was the assembly calculated to endanger the public peace?

A. Certainly so. I previously heard, and I previously disbelieved, the reports of military trainings, but by this it was confirmed.

Q. What did the appearance arise from?

A. From the music and banners, from their manner of marching, and from the mottoes on the flags.

Q. You had previously disbelieved the reports concerning their trainings and drillings?

A. Certainly I had.

Q. Did the appearance which the mob then exhibited, excite in your mind any apprehension for the security of the public peace?

A. I conceived there would be a riot, and that Manchester was in danger by it.

Q. In your judgment, from what you saw, could a warrant be executed by the civil power, unaided by the military?

A. I should certainly conceive not.

Cross-examined by Mr. Blackburne.

Q. From what part of the town did you come, with the party that was following Hunt?

A. I was not with the party at all.

Q. You were on the ground at eleven?

A. I was on the ground at eleven.

Q. And where did you take up a position?

A. I wandered about, and had afterwards left the ground and came on again. Then I took up a position near the hustings; then it was I saw Mr. Hunt.

Q. You had taken a position when you saw Mr. Hunt come?

A. I was about midway between the Magistrates' house and the hustings?

Q. How near had you got then?

A. Within twenty yards.

Q. You would get among persons who had their arms locked?

A. I was not among persons with their arms locked, but there was a great crowd. I worked my way with great difficulty.

Q. You had no fear for your personal safety?

A. Not any.

Q. Your curiosity overpowered your personal apprehensions?

A. My curiosity overpowered my personal apprehensions.

Q. You rather wished to hear the great orator, than save yourself from any risk of any personal danger?

A. I did not know my personal safety was immediately endangered.

Q. From what you observed of the demeanour of the crowd, you did not think your personal safety was at all in danger?

A. Not immediately, at the instant.

Q. You had not observed them commit any assault or any insult to any body, had you?

A. None.

Q. And I think I understand you, that you remained in that position till the Cavalry came up, or were coming up?

A. I did.

Q. Did you remain in the same position until they had passed you?

A. I do not know; as soon as I saw them I endeavoured to work my way out.

Q. Which way?

A. From Mr. Buxton's house.

Q. The way they were coming?

A. Leaning to the right.

Q. Leaning towards Windmill-street. How far were you from the hustings when they did pass you?

A. I might be perhaps two dozen yards.

Q. Before you saw any stones thrown, they had passed you?

A. Certainly.

Q. Did you see any sticks raised?

A. I did not.

Q. And you were within two dozen yards, you think, of the hustings?

A. I was within that distance, I believe.

Q. Then the Cavalry had got near to the hustings themselves, before you saw any stones?

A. They might.

Mark Antony Mills sworn : examined by Mr. Serjeant Cross.

Q. You live in the Isle of Man, I believe?

A. I do; I have resided there for some years.

Q. You, I believe, were at Manchester on the 16th. August?

A. I arrived there on the 15th., and I was there on the 16th. and part of the 17th.

Mr. Serjeant Cross.—If you were there on the 18th, that is all that is material.

Witness.—I was.

Q. You observed many occurrences on that day; at present I will only trouble you with one or two short questions. At the meeting, whereabouts were you stationed?

A. I think I stood on the curb stone of the road; I don't know the name; I am rather a stranger. There is a street that runs at right angles, and I stood on the curb stone of that street.

Mr. Serjeant Cross.—Peter-street, my Lord. It passes through the midst of the field.

Q. With your face towards the hustings?

A. With my face towards the hustings.

Q. Did you see the Manchester Yeomanry advance towards the hustings?

A. I did; I saw them come down the street; I saw them advance towards the hustings.

Q. While they were advancing, and before they arrived at the hustings, did you see any thing thrown?

A. I certainly did see a great number of either stones or brick-bats, or something of that kind, flung towards them as they advanced; I think it was before, for they did not obscure my view of the hustings from the place I stood; if they had reached it, I think they would have obscured it.

Q. I believe, sir, you attentively observed all the occurrences, as far as they fell under your observation?

A. I did take very particular notice of what did occur, for I was anxious to be apprized of them.

Q. Did the appearance of it strike you with any apprehension?

A. Very strong apprehension, from all the occurrences that I had witnessed during the whole course of the morning, and up to the time that I mentioned.

Q. Did the peace and tranquillity of the town appear to you to be secure, whilst the meeting was present, assembled there?

A. Very far from it; I thought it in imminent danger.

Cross-examined by Mr. Evans.

Q. What are you?

A. Of the profession of the law.

Q. Do you practice it now?

A. I do.

Q. You are an attorney in the Isle of Man?

A. More as a solicitor. The attorney, barrister, and solicitor are in the same person in that small place.

Q. You are an advocate?

A. I do not act as an advocate; I am more as a consulting lawyer in the country, and conveyancer.

Q. Have you any thing to do with the newspaper?

A. I am proprietor of the Isle of Man Gazette.

Richard Holt sworn: examined by Mr. Littledale.

Q. You are a dyer at Manchester?

A. I am.

Q. Was you a special constable, on the 16th, August?

A. I was.

Q. I will take him at once to the Manchester Yeomanry coming on the ground. Did you see the Manchester Yeomanry come on the ground?

A. I did.

Q. Did you see them advance towards the hustings?

A. I did.

Q. While they were advancing, were there any stones thrown?

A. There were; I saw one, and immediately after that, I was wounded over my left eye with another.

Q. This was before they had got to the hustings?

A. It was about twenty yards from the hustings.

Q. Did you afterwards go upon the hustings yourself?

A. I did, sir.

Q. When you got to the hustings, what did you individually seize?

A. I seized a colour.

Q. While you were seizing the colour, was any thing done to you?

A. I was struck over my left arm, at least my left wrist, with a stick.

Mr. Justice Holroyd.—Did you say wrist or fist?

A. Wrist.

Q. Was anything upon the top of this flag?

A. A cap of liberty.

Q. Did you get the cap of liberty away?

A. I did, sir.

Q. Did any other person come up to your assistance, any other special constable?

A. Yes.

Q. Did you see what the other special constable was doing at the time?

A. He tore the colour from the staff.

Mr. Justice Holroyd.—Who did?

A. The other special constable.

Q. In your judgment, was it possible for the civil power to have executed the warrant without military aid?

A. It was not possible.

Cross-examined by Mr. Blackburne.

Q. What was the conduct of the Yeomanry—how did they conduct themselves?

A. Very properly, in my opinion; I followed them up to the hustings, and I did not see a single blow struck by them.

Q. Either with the flat side, or any other side of the sword?

A. No.

Q. You followed them up to the hustings?

A. I did.

Q. Where from?

A. From the front of Mr. Buxton's house.

Q. You was at the front of Mr. Buxton's house, was you?

A. I was.

Q. In the rear of the Cavalry—you went up with them?

A. I did, sir.

Q. Where were the Cavalry at the time you got the caps of liberty?

A. I cannot say where they were; they were in advance of me.

Q. They had passed the hustings?

A. They had, sir.

Q. Of course, this cap of liberty you have burnt?

A. No, sir, I did not.

Q. What has become of it?

A. I cannot say what has become of it; I left it at Mr. Buxton's house with the Magistrates.

Q. How many constables were there about the hustings?

A. I cannot say.

Q. Were there a good many?

A. I cannot say.

Q. Did you see any amongst your brother constables who took the flag? You left the staff standing.

A. It was in a man's hands.

Q. And was this cap of liberty upon a staff too?

A. It was at the top.

Q. Was it as you were tearing it down, you got this thump?

A. It was when I held hold of the staff.

Roger Entwistle sworn: examined by Mr. Starkie.

Q. You are a solicitor in Manchester?

A. I am.

Q. Did you see the Stockport division march into Manchester, on the morning of the 16th?

A. I did.

Q. Of what number did the body consist?

A. I should think between 4,000 and 5,000.

Q. I will ask you generally; did they march in military step, and with flags and music, as the witnesses have described the other bodies to do?

A. They did.

Q. Did you hear any of the divisions say any thing as they passed?

A. I happened to be standing on the steps of an hotel; and one observed, "thou hast got a good coat on thy back; before the day is over, I will have as good a one as thou."

Q. Had they any sticks with them?

A. They had.

Q. Small or large?

A. Some of them very large ones, and they carried them on their shoulders.

Q. In what manner did they carry them?

A. On the right shoulder—not as a firelock.

Mr. Justice Holroyd.—You said something about a firelock?

Witness.—Not as firelocks, but merely slanting on the shoulder.

Q. Did you afterwards go near the hustings?

A. I afterwards went to St. Peter's Field.

Q. How near did you get to the hustings?

A. At the time Hunt arrived, I was within ten yards of the hustings.

Q. Do you know whether Hunt could see the Infantry stationed in Dickinson-street?

A. I could see them distinctly; and I have no doubt he could, if he looked that way.

Q. Did you hear him say any thing?

A. I heard him use the expression “enemies,” and as I conceived at that time, he was pointing towards the military in Dickinson-street.

Mr. Justice Holroyd.—Pointing towards Dickinson-street?

Witness.—At that time he was pointing towards Dickinson-street with his hand.

Q. When he was so pointing, he used the word “enemies”—did you hear him say anything more than that?

A. “If they attempt to molest you, you will knock them down, and keep them down.”

Q. Did you see the Yeomanry in front of Mr. Buxton's house?

A. I did.

Q. What did Hunt do when the Yeomanry appeared there?

A. He appeared to cheer, and the mob also cheered.

Mr. Justice Holroyd.—At the time when the Yeomanry were there?

A. When they appeared before Mr. Buxton's house.

Q. In what way did this appear to be done—as if he was glad to see them?

A. I considered it as a threat of defiance to the Yeomanry.

Mr. Justice Holroyd.—You thought it so?

A. That was my opinion at the time.

Q. Did you see the Yeomanry advance towards the hustings?

A. I did.

Q. What was done to them as they advanced towards the hustings?

A. When they arrived within about fifteen yards of the hustings, I saw stones and brickbats thrown at them.

Q. Any sticks, sir?

A. I did not see any sticks.

Q. Could you form any judgment whether those stones hit any of the Yeomanry?

A. They were aimed at the horses; I have no doubt they hit some part.

Q. Had the Yeomanry used any violence previous to this?

A. On the contrary, they had used the greatest forbearance.

Q. In your judgment, could the constables have executed the warrant without military assistance previous to this?

A. It would have been utterly impossible.

Q. In your judgment, was the meeting and the proceedings on that day, sufficient to create alarm in the minds of the people?

A. It was.

Q. Did you see any sticks upon the ground, after the dispersion of the meeting?

A. After I had been down to the New Bailey, and returned a second time, I saw a large quantity of sticks and stones that had been picked up, similar to those that were brought by the Stockport division.

Cross-examined by Mr. Evans.

Q. You are also clerk to the race-course?

A. I am.

Q. You see a good many crowds there?

A. I do.

Q. Did you ever see so large a crowd there?

A. Much larger.

Q. At what rate did the Cavalry go?

A. When they advanced at first, they went at a sharp trot; afterwards they could not proceed so quick on account of the people.

Q. What hour were you in the field in the morning?

A. About half-past eleven to twelve o'clock, before the hustings were erected, and when few people were on the field. I followed the division that came from Stockport; they went down and I followed them.

Q. You say the Cavalry were fifteen yards from the hustings when stones were thrown?

A. To the best of my knowledge.

Q. Was the body very dense there?

A. It was.

Q. Where did the people get the stones and brickbats to throw?

A. I cannot tell whether they carried them on their persons or not. I saw several thrown.

Q. Did you see where they got them from?

A. I did not.

Q. Do you believe they had them in their pockets?

A. I cannot say whether they had or not.

Q. When you came on the ground in the morning, did you see any stones or brickbats on the ground?

A. There were a great number of people assembled. I did not examine it.

Q. You have had a good many journeys about this matter?

A. I was examined upon the Oldham Inquest, and I was also examined at York.

Q. Have you had legal proceedings yourself?

A. None whatever.

Q. Nobody has sued you?

A. I have had a dispute with Mr. Milne——

Q. An action was brought against you?

A. It was a dispute between us as to the time that I had been at York.

Q. It was not that you had received £20 too much, and given no account of it.

A. I did not receive it; that was not the charge.

Q. What was the sum?

A. It was for £15.

Re-examined by Mr. Starkie.

Q. This alluded to your expenses as a witness at York?

A. It did.

Q. You say you are clerk of the race-course, you have been accustomed to see a large concourse of people?

A. I have.

Q. In your judgment, what was the number?

A. I considered at least from 80,000 to 90,000.

Mr. Robert Hughes sworn: examined by Mr. Serjeant Hullock.

Q. You are an Inn-keeper at Manchester?

A. Yes.

Q. Was you a special constable upon the 16th.?

A. I was.

Q. Did you see any of the divisions go to the ground?

A. I did.

Q. Did you make any observation whether they had any sticks?

A. Yes; I saw a great number of sticks.

Q. They walked in regular order?

A. They did.

Q. Did you see any Cavalry come on the ground?

A. I saw them when they were turning down from Mr. Buxton's house.

Q. With a view to go to the hustings?

A. Yes; I was very near the hustings.

Mr. Justice Holroyd.—You saw them advance?

A. I did, sir.

Q. You were near the hustings?

A. Near the hustings.

Q. Were you near enough to hear any words which fell from Hunt at the time?

A. I was.

Q. Can you give us any expressions which you heard at the time, and which made an impression on your mind?

A. Hunt said when he first came upon the ground—he entered

on the hustings, and, directly after, he made a speech: there were great shouts; and after that he said, "those are your enemies that don't take off their hats and don't shout," and pointed towards us constables.

Q. What more did he say that you heard?

A. "If any one misleads you, put them down, and keep them down," and pointing with his finger.

Mr. Serjeant Hullock. — We know where he wanted to send them to.

Q. Did you hear any directions given, about the way in which they were to stand round the hustings?

A. Yes; he told them to link arms, and to stand firm.

Q. How near to the hustings were you at that time?

A. First within five or six yards.

Q. And then you were forced off by what?

A. By a ring that was formed on the side looking towards the hustings. I could not see all round.

Q. Opposite to the part where you were?

A. Yes; by a linking of arms.

Q. Did the linking of arms take place immediately on Hunt giving the order of which you have spoken?

A. It did, immediately.

Q. To what extent were you forced back by this operation?

A. Somewhere between fifteen and twenty yards from the hustings. I was forced back, I suppose about ten yards.

Q. Had you any opportunity of observing how many deep the men were who linked their arms?

A. They appeared to me to be about five or six deep. I was close to the back of them.

Q. Was the line of special constables in that spot, forced back also with you?

A. There was a quantity of us there, but they were not all there that were there at the first. I don't know what became of them.

Q. Do you remember the Cavalry coming upon the ground?

A. I saw them coming.

Q. Did you see the Cavalry begin their advance towards the hustings?

A. I did, sir.

Q. State to us what observations you made, and what happened on their progress towards the hustings?

A. They, at the first, came pretty quick, I thought, sir; and then there was a kind of a stoppage.

Q. Well, sir?

A. There was a deal of sticks heaved up at the horses' heads; whether they struck or not I cannot tell.

Q. Were the sticks moved when they were held up that way?

A. They were held up and moved—a great number.

Q. Whether they hit the horses actually, you do not know?

A. That I cannot tell.

Q. What appeared to you to be the object of that course?

A. It appeared to me to be intended to knock the horses on the head, and knock the riders off.

Q. What next did you observe?

A. They advanced further, and there was a kind of stoppage again. It seemed to me as if the Cavalry were unwilling to trample the people under feet.

Q. Well sir?

A. They advanced again and I heard a report of a pistol or a gun, and I looked directly where it came from: it was top of a house below the Windmill.

Q. Did you see the smoke?

A. I did, sir.

Q. What effect it produced you know not?

A. I cannot tell what effect it produced.

Q. What next did you observe?

A. Then there came a parcel of stones thrown at the Cavalry—brickbats.

Q. From what quarter did they appear to come?

A. From Windmill-street.

Q. Were there several stones?

A. A great number.

Q. And brickbats?

A. Yes, and brickbats.

Q. Did you see them flying in the air?

A. Yes, I did.

Q. To what place or persons were they, in your judgment, directed or aimed?

A. They were directed towards the soldiers, I thought.

Q. Were you in a condition to hear any language or expressions used by the mob, during the advance of the soldiers?

A. I did not hear any thing then.

Q. Did you before or after?

A. I heard a good deal before; insults upon the Cavalry by the mob.

Q. Can you give us any sample?

A. I can: "We'll settle them all before three o'clock."

Mr. Justice Holroyd.—Some of the mob said?

A. Yes; "Aye," says another, "we will do so." There were several other words that I could not exactly hear.

Q. Before these stones and brickbats were thrown in the manner you have described, had the Cavalry used their swords against the people?

A. Not at all; for my particular attention was towards them, when they were coming; not at all, as I could see.

Q. From the situation in which you were placed, if any such occurrence had taken place, must you have seen it?

A. I think I could not have missed seeing it.

Q. Had the Cavalry reached the hustings at the time these stones were thrown?

A. No; they got within about fifteen yards.

Q. As the Cavalry approached near the hustings, did the mob close in upon them behind—in their rear?

A. They did.

Q. Did you see the Cavalry surround the hustings?

A. I did.

Q. Did you observe, afterwards, whether they kept in a body—whether they preserved their order as a body, or whether they were much dispersed or not?

A. They could not keep in a body.

Q. Did they experience any resistance at the hustings?

A. Yes; a great deal from the mob.

Q. From the resistance which they met with, and from the circumstances under which that resistance was given, did you apprehend they would be overpowered?

A. I certainly did. I expected that every man would be murdered.

Q. Was that your belief, formed at the time from the circumstances passing under your eyes?

A. It was. I believe it would have been the case, had it not been for the 15th. coming up—the Hussars: that was my opinion.

Q. In your judgment, then, was the safety of the Manchester Yeomanry owing to the seasonable arrival of the 15th. Dragoons?

A. I believe it was entirely owing to them.

Q. From what you observed at the time, in your judgment, would it have been safe to have attempted to execute a warrant by the civil power, unaided by the military?

A. I don't believe it would be possible.

Q. In your judgment, would it have been wise or prudent to have made the attempt?

A. I think it would have been very unwise to have made the attempt.

Q. In your judgment, could the attempt have been made without endangering the safety of the persons by whom it was made—of the constables?

A. No; I believe not. I have every reason to believe so, from the threats that were thrown out?

Q. In your judgment, was the public peace endangered by the meeting of that day?

A. I thought so; very much endangered.

Q. Did you feel any alarm or apprehension on your mind upon the subject?

A. I felt very great alarm for the safety of the town and the neighbourhood.

Cross-examined by Mr. Blackburne.

Q. What are you?

A. I am a builder and innkeeper, as well as other business.

Q. What other business are you?

A. An agent.

Q. Is it in those respective capacities you form your judgment?

A. No; not at all.

Q. How long had Hunt been speaking, before you heard this about mislusting him?

A. Not many minutes; I cannot exactly say how many.

Q. Did you take it down, or have you kept it in your memory ever since?

A. I have them certainly in my memory, and always will have.

Q. You are quite sure as to the expression?

A. Or nearly so. I think I shall never forget that day.

Q. But the expression that was used upon it?

A. Some of the expressions, certainly, I have forgot, or certainly I would have told now. He said a good deal more than I said, a great deal.

Q. You have told us he said they were to keep their enemies down, and pointing to the constables who had their hats on?

A. Yes.

Q. You did not see him point to Dickinson-street?

A. We were more on the side of Windmill-street.

Q. When you saw him pointing to the constables?

A. There was a great quantity of us there at that time.

Q. Did you see him point to the Yeomanry?

A. He says, "there your enemies are coming now;" and he said something, I don't know whether he said "bloodsuckers," or "feather-bed soldiers" he said something to that effect.

Q. They are so much alike that you don't know which it was?

A. He said something. I could not hear exactly what he did say.

Q. How long had he been speaking, when he desired them to link their arms?

A. He had not been speaking, I suppose, three minutes, before he told them to link their arms.

Q. And all that you saw immediately did so?

A. They did; a great number.

Q. Then they were not linked?

A. They were not, till he desired them.

Q. What time did you go on to the field?

A. I suppose it was near about half-past eleven.

Q. You formed one of the line of special constables from Mr. Buxton's house to the hustings?

A. I did.

Q. And joined how near?

A. Within about five or six yards of the hustings.

Q. Then until this command from Hunt to link their arms, you were within five or six yards?

A. I never saw any linking.

Q. Did not you tell us he gave the word?

A. Yes.

Q. Did you from eleven o'clock, when you first went, continue in that place?

A. No; they shoved me off when they linked, about ten yards further.

Q. How long did you continue this distance from the hustings, you were never thrown back more than fifteen yards?

A. From fifteen to twenty yards.

Q. Did you remain fifteen or twenty yards distant, or did you go back to your old position?

A. Some of the mob got betwixt me, after that and the linking of arms, and some constables as well.

Q. You say the sticks were lifted up with an intention of knocking the horses on the head, and knocking the riders off?

A. It appeared so to me.

Q. Did you see any rider knocked off, or any horse knocked on the head?

A. I did not see either. I saw the sticks in great motion.

Q. Where were these men who were saying "we will settle them before three o'clock"?

A. They were amongst us constables. Not only that, they said they would have our garments off, they were better than theirs.

Q. About what period of the day was this?

A. A little past one; I cannot be positive.

Q. It was after Hunt had come to the hustings?

A. Yes; we had no insult till he came; it was all quiet till he came.

John Burlew sworn: examined by Mr. Littledale.

Q. You are a merchant at Manchester?

A. Yes.

Q. Do you remember being at the Exchange, on the 16th August?

A. I do.

Q. Did you observe a party of men come past?

A. I did.

Q. Had any of them any sticks or bludgeons?

A. They had a considerable number.

Mr. Justice Holroyd.—Of which?

A. Of sticks, my Lord, and bludgeons likewise. I considered a many of them to be hedge-stakes newly drawn from the hedge.

Q. Did their appearance create any alarm in your mind?

A. It did, sir.

Q. Was you a special constable?

A. I was.

Q. Had it been your intention, before you saw this party of men pass, to have attended the meeting as a special constable?

A. No, sir; not in my official capacity.

Q. Did you change your intention?

A. I did. I considered it my duty to attend in that capacity, and lend all the assistance that I could, to preserve the public peace.

Q. On account of the alarm their appearance had occasioned?

A. Yes, sir.

Q. Did you go to the meeting amongst the special constables?

A. I did, sir.

Q. Do you remember seeing the Yeomanry advance?

A. I do.

Q. Prior to that time, did you observe whether the people round the hustings had their arms locked?

A. I cannot speak to all the people.

Q. Opposite to where you were? . . .

A. Yes.

Q. As the Yeomanry were advancing, did you observe any thing was said or done by the crowd, when the Yeomanry got up to the density of the crowd?

A. When three or four had passed the line, the Yeomen were broken in by the rush of the crowd. The other part made their way the other way round the hustings.

Q. Before any of the yeomen got up to the hustings, did you hear any expressions, any words, used by the crowd?

A. I cannot precisely charge my memory at present.

Q. Did you see any stones thrown?

A. Yes; a great number.

Q. When were they thrown?

A. As soon as they had broken through them; some before.

Q. Was that before the Yeomanry got to the hustings?

A. It was. The advance of the Yeomanry had reached the hustings before the line was broken.

Mr. Justice Holroyd.—What do you mean by the advance?

A. The trumpeter and the officers. I cannot say how many there were of them.

Q. You mean the first?

A. The first of them.

Q. Did you see any thing else thrown besides stones?

A. Stones, and brickbats, and sticks, flew about.

Q. Do you mean before the Yeomanry reached the hustings?

A. The first had got towards the hustings; but before they had reached the hustings, I observed sticks and stones likewise, but not so many.

Q. Before any of them got to the hustings, there were stones thrown?

A. There were; but not so many.

Q. Do you remember seizing a bludgeon yourself?

A. I do. As the other party were coming up and turning the other way round the hustings, one man struck at one of the Yeomanry and hit him across the thigh.

Q. What was it with?

A. A very large bludgeon. It was a bough of a holly tree, quite green.

Q. You seized the bludgeon?

A. I did, sir.

Q. When the Yeomen got to the hustings, was resistance made to them?

A. Yes; I could not see what they were doing at the hustings; it was sometime before I got the bludgeon, I think; I was nearly knocked down; I was hurt; I was stunned.

Mr. Justice Holroyd.—You say you was knocked down?

A. Not knocked down.

Q. You were hurt?

A. I was.

Q. How was you hurt?

A. How, I cannot say.

Q. Did you see the Hussars and the Cheshire Yeomanry come on?

A. I did.

Q. If they had not come on, were the Yeomanry able to encounter the people?

A. I consider not—not by any means.

Q. Were they in danger if the Cheshire Yeomanry had not come up?

A. I should consider them in imminent danger.

Q. After the meeting was dispersed, did you see any thing lying on the ground?

A. A very great number of sticks, and bludgeons, and stones.

Q. Were the sticks and bludgeons the same kind you had seen in the hands of the people, as they passed the Exchange?

A. Yes, sir.

Q. In your judgment, was it possible for the civil power to have executed the warrant without the assistance of the military?

A. Not by any means.

Cross-examined by Mr. Evans.

Q. What kind of merchant are you?

A. A merchant of manufactured goods.

Q. What hour did you go on the ground?

A. A little after twelve.

Q. Where were you when these stones were thrown?

A. I was up to the density of the crowd; where they were linked.

Q. Where did these stones appear to come from?

A. From the crowd; in all directions.

Q. In all directions?

A. Yes, almost.

Q. When the Cavalry got into the dense part of the crowd, there were more stones thrown than ever?

A. Yes; there were.

Q. Were there a great many of the people knocked down with these stones?

A. I don't know.

Q. You saw some?

A. I don't remember that I did.

Q. You are quite sure it was before any got up to the hustings, that stones were thrown?

A. I am.

Q. Did you see where they got them from?

A. I did not.

Q. You did not see them take them out of their pockets?

A. I did not; but they could not stoop for them, they were so very dense.

James Andrews called.

Mr. Justice Holroyd.—What do you examine this witness as to?

Mr. Serjeant Hullock.—As to the same sort of facts.

Mr. Justice Holroyd.—Have you any more.

Mr. Serjeant Hullock.—Yes; a dozen. But there are two witnesses I should like to call to night with respect to the state of the field in the morning, to shew it was cleared of all sorts of missiles.

Mr. Justice Holroyd.—You had better call them at once.

Thomas Worrall sworn: examined by Mr. Starkie.

Q. You are assistant surveyor of the paving of the town of Manchester?

A. I am.

Q. In consequence of directions which you received from the boroughreeve, did you go to clear the area of St. Peter's field of stones?

A. I did.

Q. When was it that you went?

A. We commenced prior to the 7th. August.

Q. Was that before the first or second meeting?

A. Before the first. The first was to have been on the 9th.

Mr. Justice Holroyd.—I thought you said you went prior to the 7th.

A. It was upon the 7th.

Q. Prior to or upon, you don't recollect which?

A. No.

Q. Did you and your assistants clear the area of stones, sticks, and brickbats?

A. We did.

Q. Every thing that might be made use of in an offensive manner?

A. Yes.

Q. Did you carry away the stones from the streets adjoining, as well as from the area?

A. Yes.

Q. Did you go again upon the morning of the 18th, in order that you might see every thing was done?

A. Yes; there might be a quarter of a load of stones upon the field.

Q. What time in the morning?

A. About seven o'clock.

Q. Were the whole of these cleared away?

A. They were, before eight o'clock.

Q. Were you there again between nine and ten o'clock?

A. I was; the same morning.

Q. Was every thing clear?

A. All was clear.

Q. Was you there after the meeting?

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A. I was.

Q. What time?

A. I was there from eleven o'clock till after three.

Q. The same day?

A. The same day.

Q. Did you find any stones?

A. There was a large quantity of stones.

Q. What time?

A. About three o'clock.

Q. Any sticks?

A. Some scores of sticks.

Q. What size were the stones?

A. The stones might be betwixt two and three inches diameter, some of them larger.

Q. Were those stones such as are used in paving the town of Manchester, or such as must have been brought from a distance?

A. They must have been brought from a distance. Most of them were gravel-stones—the greatest part of them were gravel-stones.

Q. And brickbats?

A. Yea.

Q. Large quantity did you say?

A. There was a load of brickbats and stones altogether.

Mr. Justice Holroyd.—Do you mean a cart load?

A. A cart load.

Q. As to the sticks, what sized sticks were they?

A. Some sticks were large. I suppose the biggest part of them about an inch diameter.

Col. L'Estrange sworn : examined by Mr. Serjeant Hullock.

Q. You are a Colonel in the army, and Lieutenant-Colonel of the 31st.

A. I am, sir.

Q. You had the command I believe —

A. I had, of the district and neighbourhood of Manchester.

Q. On this day?

A. The 16th. August.

Q. How long had you been in communication, as such Commander, with the Magistrates, before the meeting?

A. For several days before. We marched in on the 6th., and I had been in communication generally from that time until the 16th.

Q. Was the subject of this communication, the preservation of the peace?

A. It was.

Q. Did you receive from them information upon the state of the country?

A. I did.

Q. Did you, in consequence of that information, adopt such measures as you thought were most likely to preserve the peace, by the distribution of your force—the force under your command?

A. I did. The arrangements I had made were with a view to preserve the peace of the neighbourhood; by the direction of the Magistrates, I disposed the troops.

Q. Were the troops, including the Cheshire and Manchester Yeomanry, stationed in such places you thought best adapted —

A. All the troops of the garrison were stationed in such a manner as I thought would be most available in case of a riot.

Q. What regiments or troops had you under your command on that day?

A. In the town, three companies of the 88th.; about 250 of the 31st.

Mr. Justice Holroyd.—Is this material?

Mr. Serjeant Hullock.—I am now asking of the troops under his command.

Mr. Justice Holroyd.—I don't know that this is at all necessary.

Mr. Serjeant Hullock.—I don't know it is. I merely mentioned it, because some questions of the sort have been repeatedly put by my learned Friends.

Q. Were the troops stationed in such situations as were best calculated to preserve the peace, in case they were called on by the civil power?

A. They were.

Q. Where were you?

A. I was with two squadrons of the 15th. Hussars, and one squadron of the Cheshire Yeomanry, to which were added a troop of the Manchester Yeomanry, in Byrom-street.

Q. Whilst you were there, did you see any of the party — did you see Hunt's division pass?

A. I understood that Hunt was coming up along Deansgate, and I rode with Col. Townshend, who commanded the Cheshire Yeomanry, to the corner of Deansgate, so as to see him pass. I arrived just as he was passing.

Q. You were, of course, in regimentals?

A. I was in uniform.

Q. Was Col. Townshend also?

A. He was with me and Mr. Trafford the Magistrate.

Q. Was Col. Townshend in uniform also?

A. Yes, he was.

Q. Did any thing take place on their seeing you?

A. When the carriage came up, Hunt arose, or I don't know whether he had been standing before, but he was standing at the time he passed the corner; he stood up, waved his hat, looked at us, and again waved his hand to the mob, who answered with shouts, apparently of defiance. I suppose from seeing us in uniform.

Q. That was the impression upon your mind?

A. Exactly.

Q. Did you receive any communication, and about what time, from Mr. Hulton?

A. I think about a quarter of an hour, less than half an hour, after that, I received a letter by a messenger from Mr. Hulton, as chairman of the committee of Magistrates, stating that he required our attendance.

Q. You have lost the letter?

A. I have not been able to find the letter.

Q. Then you may go on, and state the contents as far as you remember?

A. Stating that he required the assistance of the military, as he did not conceive the civil power was sufficiently strong for their purpose.—I cannot recollect the words.

Q. That was the substance?

A. Yes, sir; and he stated in his commencement, "as chairman of the committee of Magistrates."

Q. If you were to see a letter that came to a similar import, should you recollect the contents?

The letter to the commanding officer in Portland-street was then shewn to the witness.

A. Very likely I should. That is, as near as I can recollect, what he said on the subject. I think that was very nearly so — I dare say in the same words, probably. It was the purport. I then ordered the Hussars, the squadron of the Cheshire Yeomanry, and the troop of Manchester Yeomanry, to follow to the house which Mr. Hulston indicated. In order to reach this house without passing through the mob which was between me and it, I was obliged to make a detour, to go through Fleet-street, through which we were guided by Mr. Withington. This was the reason that the Manchester two troops arrived before us, which was quite accidental.

Mr. Sergeant Hullock. — (Shewing a map.) — You see, Gentleman, the long detour.

Witness. — I originally supposed the Magistrates would have remained at the Star; but it was deemed best the military should come in the rear of the civil power, rather than in front of them, which obliged us to make the detour.

Q. Was it the Yeomanry, or the 15th. Hussars, that arrived first?

A. We had two squadrons of Hussars in front; they were immediately followed by the others. There was some difference as to the period of their coming up, but I suppose they must have followed as close as the files could come up.

Q. Had you any opportunity, at the moment, of seeing where the troop, or the squadron of the Manchester Yeomanry that had gone up to the hustings, were?

A. When I arrived at the corner of the row of houses in which the Magistrates were placed, I saw a very considerable dust. It appeared to me, that the Yeomen were then in conflict with the people. I saw missiles in the air, but the Yeomen were not so near that I could speak to them; probably thirty or forty yards from me, or perhaps more, scattered and insulated amongst the people.

Q. In your judgment, do you think they were in danger at the time?

A. Certainly ; for they were insulated amongst the people, and might have been thrown off their horses.

Q. Upon your going up to Mr. Buxton's house, where was Mr. Hulton ?

A. Mr. Hulton was at the window of the house the Magistrates were in ; since, I have heard it was Mr. Buxton's. I looked up at the window, and asked for orders : he said, " look at the Yeomen," I believe, " good God ! look at the Yeomen," or something to that effect, " save them, disperse the people," or " disperse the mob."

Q. You immediately did so ?

A. We immediately did so.

Q. Did you, in doing that, experience any resistance ?

A. We did.

Q. Considerable resistance, did you ?

A. No ; I cannot say considerable resistance, because the resistance was partial. It was occasionally as the people were more desperate in one place than in another. I had my cap struck off by a blow on the head.

Q. By what description of weapon, or in what way was that done ?

A. I suppose it must have been by a large brickbat or stone ; it was picked up by one of the Hussars.

Cross-examined by Mr. Blackburne.

Q. Where was you when this happened to you ?

A. I had passed the hustings ; I dare say ten yards past the hustings.

Q. Did you see what had become of the Manchester Yeomanry, that had gone on first, when you got up to the hustings ?

A. We passed the hustings as rapidly as we could, from the house of the Magistrates, nearly to the end of the street.

Q. Nearly up to Peter-street ?

A. Perhaps within twenty yards of it. I suppose we went one hundred and twenty yards as fast as we could go.

Q. Then you did not perceive what they had done ?

A. I conjectured they had joined us in the pursuit.

Q. You did not see?

A. We were at a gallop; and it was impossible for me. I told you at the beginning they were insulated.

Q. You say you were at a gallop the whole way?

A. We did not go the whole way; we went the greater part of half the distance between the hustings and the extreme end of the ground. We checked as we came towards the end, for the people were in a greater mass. As we got near the end, we endeavoured more to check the men; in short to prevent mischief, as much as we could.

Q. How many troops were there in Manchester and the immediate neighbourhood at that time?

A. There were 421 of the Cheshire Yeomanry, who came in that morning at eleven o'clock. We had three squadrons of Hussars, two pieces of light artillery, 250 of the 3rd, and 180 of the 88th., speaking in round numbers; besides two troops of the Manchester. There was a squadron at Oldham also ready to quit, and at that time on the road, in case of necessity.

Q. Altogether, you would have about 1000 men?

A. I dare say we had more than 1000 men.

Q. Where were the 88th. stationed?

A. They were stationed in Braxentree street.

Q. What was the body in Dickinson street?

A. The 88th.

Q. Did the Yeomanry form afterwards in Peter street?

A. I cannot say; for after having passed to the end of the ground, I returned to the house in which the Magistrates were, which I entered; and the squadron went with the prisoners to gaol.

Q. And you did not cross Peter street at all?

A. I did not go into Peter street myself.

Q. Nor did not cross it?

A. I should have had to go down it, if you will observe the map.

Q. If you were to go to the Quakers' school you would have to cross it?

A. I went from the house in which the Magistrates were, to a part of Peter-street in a line with Quay-street.

Michael Fitzpatrick sworn: examined by Mr. Littledale.

Q. I believe you are a reporter for the Times newspaper?

A. For the New Times.

Q. Did you attend the meeting at Smithfield in the year 1819?

A. I did.

Q. On what day and what month?

A. I believe it was in July: at this distance of time, I cannot exactly recollect the day of the month. It was sometime previous to the meeting at Manchester.

Q. Who was the chairman at that meeting?

A. Hunt.

Q. Were there any resolutions passed at that meeting?

A. There were.

Q. Did you see Hunt join in these?

A. I did.

Q. While the resolutions were reading, did you ask Hunt for a copy?

A. I either asked him for a copy, or he gave me a copy. I got a copy of the resolutions which were read, and adopted at that meeting. My impression two years ago, at the trial at York, was, that he was the person who gave them to me, and I have no reason to alter my opinion since.

Q. Have you got the paper he delivered to you?

A. These are the resolutions.

Q. Is that the identical paper?

A. It is; when it was delivered to me, it was in one slip; for the more easily printing them, they were cut at the office.

Q. Have you marked them with your initials?

A. I have.

Q. They were in one continued slip, or piece of paper, and were afterwards cut for the facility of printing?

A. Yes; for the facility of printing.

Q. Was you at the Spa Fields meeting?

A. I was.

Q. That was previous to the Smithfield meeting?

A. I think it was; I have not a distinct recollection. I have attended so many meetings; except one's attention is particularly called, one does not remember.

Q. Was Hunt there?

A. He was.

Mr. Justice Holroyd.—Did you say Hunt was at the Spa Fields meeting?

A. Yes; my Lord.

Q. Was the Spa Fields the meeting at which Watson was?

A. Watson generally attended these meetings.

Q. Was it that which preceded the riot in London?

A. I really have not a distinct recollection.

Cross-examined by Mr. Evans.

Q. You say Hunt was at the Spa Fields meeting?

A. I think so, sir.

Q. Will you be sure?

A. I said I was not.

Q. He came there after the disturbance?

A. That I cannot say.

Q. What kind of a meeting was this at Smithfield?

A. It was a very numerous meeting indeed.

Q. Did any thing particular occur there; was not parson Harrison taken there?

A. He was.

Q. Was he taken by the civil power alone?

A. He was.

Mr. Serjeant Hullock.—We propose to read these resolutions.

Mr. Blackburne.—I beg to submit that these resolutions can be no evidence in this case. This is an action brought by a person, for an assault on him; and why resolutions that were passed at a meeting two hundred miles from the place, prior in time to this, should be read to affect his interests, merely because the person who happened to be chairman at that meeting, was also chairman at this, I confess I am totally unable to comprehend. How is it, that

It is at all shewn these resolutions were intended to be put forward at this meeting? Every body knows that it is not the business of the chairman to propose resolutions. He is only the organ of the meeting. What is there to shew an intention rested in the mind of any body, to propose resolutions such as these, but because Mr. Hunt was the chairman? If he was to be the proposer, there would be more in it; but the chairman is not the proposer; he is simply the organ through which the resolutions are proposed to the people. I therefore beg to submit, these cannot be read as evidence in this case. They cannot affect the plaintiff, he not being connected at all with them, being passed at a place long prior, and at a great distance off; and they ought not to affect him, merely because Mr. Hunt was chairman at the one and at the other.

Mr. Evans.—The object of this meeting was as legal as any object could possibly be. I know some people would make it high treason; but a wish to reform the Commons House of Parliament has not yet been made high treason, by any law of the land. If your Lordship will allow this to be read as evidence against the plaintiff in this case, you might as well, if Mr. Hunt had been guilty of murder two hundred miles distant, convict the plaintiff because Mr. Hunt had been guilty there. I contend it is quite impossible this can be evidence.

Mr. Serjeant Hyllock.—With respect to any thing about Mr. Hunt's acts in another place, which are *diverso intuitu*, and have no bearing or relation on the conspiracy charged in these pleas, when we attempt to prove them, it will be time enough to make the objection. And with respect to the assertion of my learned Friend, that this meeting is as legal as any ever yet holden, I will venture, for one, with all humility to his superior learning, to question and even deny the allegation. There is no other object before your Lordship of this meeting, but that proposed by the placard issued previously to the 9th.; and if any lawyer, or any man who pretends to have read books on any subject whatever, will say that was a legal meeting, or intended to be so, with that gentleman I will not dispute. There is no other object before your Lordship, or the Jury, than that which was intimated by the notification, by the notice;

and therefore, as far as the evidence goes at this period of the case, it certainly must be taken, and the Jury would so infer, that that was the object. If that is so, beyond all controversy, if it is not high treason, I apprehend it is as near it as any meeting can possibly be predicated. With respect to these resolutions, the object is, as your Lordship knows, to shew a conspiracy of the sort alleged on the record, namely, that a conspiracy to excite discontent and disaffection to the government of the country, had subsisted previous to the meeting of this day—of the 10th. This is the case of an action by one person against another, solely for a mere civil injury. It is evidence to sustain the allegations upon the different pleas of this record, which allege a conspiracy to that effect. The acts of every conspirator, the declarations of every conspirator, before the transaction which gave rise either to the plea or to the charge, is admissible evidence against the others, although they may not happen to be present at the time the act or declaration takes place; and it is totally immaterial whether Hunt was 200 or 2,000 miles from the spot, at the time the resolutions at Smithfield were passed. He is there, and he passes them. He moves or circulates these resolutions; and whether it is the province of the chairman (my learned Friends know more on the learning of that subject than I pretend to) to pass, originate, or do any thing with these resolutions, I know not. It is quite palpable Hunt was the person who adopted and countenanced these resolutions at Smithfield. These resolutions were given in evidence at York, after, I believe, some doubt; the learned Judge being of opinion they were evidence on that occasion, where the mere issue was, whether or not the meeting at Manchester, was a legal meeting or not. This case goes much further than that; because there are not only pleas founded on the illegality of the meeting, but others which are founded on an alleged conspiracy between Hunt and the others, to excite discontent and disaffection. Mr. Hunt circulates these resolutions at Smithfield; he afterwards signs, at least his name is put to a placard at Manchester, announcing a meeting precisely for the same object, and the same view. It is a subsequent meeting adjourned for a week. He and the plaintiff

Redford, the plaintiff whose name is almost forgotten, is never heard in the case but once, appear together at the meeting. I submit beyond all controversy, this is clearly evidence.

Mr. Littledale.—I submit it is evidence on this ground. There are several different conspiracies——

Mr. Justice Holroyd.—You need not trouble yourself. It is my opinion it certainly is evidence. It is evidence for the purpose of proving the allegation of one of the pleas. How far it goes towards the proof, will be for the consideration of the Jury. But one of these allegations is, that before the meeting at Manchester, and at that time, there existed a conspiracy to sow discontent amongst the King's subjects, and to excite hatred of the Constitution ; (I do not now affect to state the very words;) and this is offered in evidence that such conspiracy existed ; and it goes on to state the meeting at Manchester, in furtherance of the conspiracy ; it is a step coupled with the other circumstances. The other circumstances are evidence for the consideration of the Jury, whether the meeting at Manchester was, or was not, a furtherance of the original conspiracy, of which this is offered as proof. In the cases of Hardy, Horne Took and the other persons, the acts of different associations were given in evidence, and their resolutions at meetings at which neither Hardy nor Horne Took attended. But they were given in evidence, to be followed by other evidence, shewing a connection with these societies. It is with that view this is offered ; and, in that way, it appears to me to be evidence.

Mr. Blackburne.—I beg leave to tender a bill of exceptions to that. This has never been the practice.

Mr. Justice Holroyd.—You may make it out in the morning ; and we will defer the hearing of this till the morning.

Mr. Evans.—Does your Lordship require the bill of exceptions to be drawn in form, by the morning ?

Mr. Justice Holroyd.—I do not desire it to be drawn in form. I say it will be sufficient to have a minute of the ground of exception by the morning, for the benefit of counsel, to prevent dispute or

alteration. You will put it in form at your leisure. I understand the objection to be against the receipt of this evidence.

Mr. Blackburne.—Yes; my Lord.

Mr. Serjeant Hullock.—What hour do you appoint in the morning?

Mr. Justice Holroyd.—Nine o'clock.

TUESDAY, APRIL 9, 1822.

Mr. Serjeant Hullock.—We propose to read the resolutions passed at the Smithfield meeting.

A note of the bill of exceptions was then tendered by the plaintiff's counsel.

Mr. Justice Holroyd.—You tender the bill of exceptions upon the evidence which has been offered to be given.

Mr Evans.—Yes.

Mr. Justice Holroyd.—There is this plea; that on or before the 16th. August, 1819, there was an unlawful and seditious assembly, for the purpose of exciting discontent and disaffection, in the minds of the liege subjects of his late Majesty, and for the purpose of moving and exciting them to hatred and contempt of the Government and Constitution of this realm, as by law established; and then it goes on in the usual form. I am of opinion that after the evidence which has been given, and which is referred to here, and the witness having proved that Henry Hunt was chairman of the meeting at London, and that he read the resolutions, and proposed their being adopted, I ought to receive the evidence upon which the bill of exceptions has been tendered. There are likewise a number of drillings in the night, spoken to; one within a day of the meeting of the 16th. August, at which it was said by some of the persons present, "we will have a new government;" and it is in evidence that Redford the plaintiff was himself present at some of them. I am therefore of opinion that this paper is evidence towards proving some of the allegations in the pleas which goes on afterwards to charge, conspiracy. Whether there was conspiracy or not, is matter for the consideration of the Jury.

Mr. Serjeant Hullock.—Will your Lordship be pleased to state in what way the exceptions are pointed?

Mr. Justice Holroyd.—A witness having proved the meeting in London, in July 1819, and the printed resolutions then read, and having stated that Henry Hunt had given him a copy of the resolutions, it was proposed to read them in evidence; when the counsel for the plaintiff tendered a bill of exceptions, I received the resolutions in evidence. I think that connected with the other evidence in the case, they are legal evidence; with a view to prove the allegations in the pleas, and more particularly, the allegations contained in the third plea.

Mr. Serjeant Hullock.—I think there is another plea containing similar allegations; but I am not interested in discussing the point.

Mr. Cross (Prothonotary) commenced reading the resolutions.

“As nothing has appalled the unfeeling factious and their venal bloodhounds of the press so completely, as the peaceable conduct of recent reform meetings in the country, so it is therefore devoutly to be hoped, that the present meeting in town will prove, by moderation of behaviour and strength of reasoning, not less formidable to the myrmidons of power in the Metropolis.

1. RESOLVED,—Therefore, that every person born in Great Britain and Ireland, is by inherent right—free.

2. That for the protection of the life, the liberty, and the property of every member in a free state, it is expedient and essential that a code of laws should be established, and an executive administration thereof provided.

3. That as life, liberty, and property, are equally dear to every man, whatever may be his rank, condition, or attainment, it follows of necessity, that every man in a free state, is equally entitled to a voice in the enactments of such laws, and their provisional administration.

4. That to support the just expenses attendant upon a due administration of the law, fair proportioned contribution from every member of the community ought to be equitably levied.

5. That the rights of all being equal, no freeman in Great Britain or Ireland, ought to be taxed without his previous admission to a participation of universal right.

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6. That this universal right may be exercised in the choice of representatives, to be fairly and freely nominated or chosen by the voices or votes of the largest proportion of the whole members of the state.

7. That the persons who at present compose the British House of Commons, have not been fairly and freely nominated or chosen, by the voices or votes of the largest proportion of the members of the state.

8. Therefore, that any laws which may hereafter be enacted, or any taxes which may be imposed by the present British House of Commons, ought not, in equity, to be considered obligatory upon those who are unjustly excluded from giving their voices or votes in the choice of representatives.

9. That from and after the first day of January, 1820, we cannot conscientiously consider ourselves as bound in equity by any future enactments which may be made by any persons, styling themselves our representatives, other than those who shall be fully, freely, and fairly chosen, by the voices or votes of the largest proportion of the members of the state.

10. That, with a view to accelerate the choice of legal and just representatives of the whole people, we will cause books to be forthwith opened in the different parishes of this metropolis, for the enrolment of the names and residence of every man of mature age and sound mind resident therein, so as to enable him to give his vote when legally required so to do.

11. That an humble address be presented to the Prince Regent, requesting he will be graciously pleased to issue his writs to the sheriffs and the other returning officers of the different counties and cities of this empire, to cause representatives to be chosen agreeably to the foregoing resolution, and to assemble in Parliament in January next.

12. That it is the right of every individual to retain and express his religious opinions, without being answerable to any human tribunal; and that it is wicked, intolerant, and unjust, to impose civil disabilities on account of any difference in religious profession.

13. That this meeting has witnessed with the deepest sympathy

and regret the sufferings of our fellow countrymen of Ireland, professing the Catholic Faith, who, by the unjust, arbitrary, and cruel laws of a self-elected legislature, have been long subjected to the severest miseries, which one body of men can inflict upon another.

14. That the applications for Catholic Emancipation often repeated, and always barbarously refused, prove beyond all doubt, that the only means by which the Catholics can hope for the removal of their disabilities, is by uniting with the people of England and Scotland, and demanding radical reform; which, by restoring to all men equal rights, will secure to our Catholic countrymen the free enjoyment of all they ask.

15. That an address, expressing these our sentiments, be prepared by the committee, signed by the chairman and secretary, and transmitted to the leading members of the Catholic body in Ireland, for the purpose of general circulation.

16. That this meeting hereby solemnly proclaim their sincere desire for an union of all sincere Reformers; and they now offer the olive branch of peace and good-will to those whom the imperious calls of domestic, private or public affairs, compel to remain passive well-wishers to the cause of their brother sufferers; and above all to the British soldier, that he may not be driven by the fear of starvation, the horror of a lacerated back, or the loss of life, by a drum-head Court Martial, to deeds in defence of the system which his soul abhors.

17. That this meeting solemnly disclaims the debt impudently and falsely called the national debt;* that as it was contracted by the boroughmongers, without the consent of the people, let the boroughmongers pay the principal and interest of the same.

18. That this meeting unequivocally disclaim any share or participation in the disgraceful and cowardly act of the boroughmongers, in placing the brave Napoleon a prisoner to perish upon a desert island, shut out from human society, and torn from his only son, whilst he is exposed to the brutal insolence of a hired keeper."

* In the original resolutions, the words "the national debt" were inserted in the margin, by the printer at the New Times Office, who struck out the word "that."

Mr. Serjeant Hullock.—What is that in the margin?

Mr. Cross.—The word in the margin is written with a pen, and the word "that" put out.

Mr. Fitzpatrick further examined.

Q. Do you know by whom this was made; do you remember the manuscript mark in the margin?

A. Yes; it was made by our printer. The manuscript mark of "the national debt," at the side of the 17th. resolution, was made by the printer himself; and there is a pencil mark which means to shew cheers were given at the mention of the national debt.

Mr. Justice Holroyd.—The words national debt are put in by the printer?

A. After I received it; it being an obvious omission—it was put in after I received it.

Q. You say, sir, there is a pencil mark?

A. Yes; there is a pencil mark, just under the erasure.

Q. Does that bring any thing to your recollection?

A. It merely brings to my recollection, that the resolution, among others, was well received.

Q. Do you mean by well received, that it was received with acclamations?

A. With cheers. The pencil mark signifies that the resolution was received with cheers.

Mr. Justice Holroyd.—Does that bring the fact to your recollection?

A. It is only by the pencil mark, or I should not know it.

Q. You have no doubt of the circumstance. By whom were the resolutions put?

A. As I said last evening, my impression two years ago was, and is still; two years since, when it was fresher in my memory, my impression was, that they were put by Mr. Hunt.

Q. I think you said last night that he was the chairman?

A. He was.

Cross-examined by Mr. Evans.

Q. Will you swear, now, that these resolutions were put by Mr. Hunt?

A. I swear now, what I swore before.

Q. I want an answer. My question is, whether you will swear, now, that the resolutions were put by Mr. Hunt?

A. I said before, two years ago, when the recollection of these matters was fresher in my memory, I did swear, to the best of my belief, that Mr Hunt gave me these resolutions. I now swear no more; because the lapse of time has impaired my memory, and I now come here most unwillingly to speak of the matter, as I did before. I will not swear positively.

Q. Will you swear that these resolutions were proposed by Mr. Hunt?

A. I will not, positively; I swear as I did at York.

Q. Have you marked every slip of these resolutions?

A. I have; every portion of them; they are cut in pieces. They were originally delivered to, or asked for by me in the continued slip, and cut by the printer to facilitate the printing.—the usual way of doing it.

Q. Did you mark these slips before you delivered them to any one, after you received them from Mr. Hunt?

A. Certainly not; when I got the slips, to the best of my recollection.

Q. Is it in consequence of the marks you put on the slips, you can identify them?

A. I can identify part of the slips by pencil marks I made when the resolutions were read.

Q. How many?

A. Three or four; particularly three. There are pencil marks on three of the resolutions which I can identify. There are five with marks by which I can identify them.

Mr. Justice Holroyd.—Place them to the others, and see whether they tally.

Mr. Cross (Prothonotary). — He has placed them to the others and they do tally.

Q. You swear you made these pencil marks at the moment these resolutions were reading?

A. Decidedly.

Q. Then if any body shall say you was conversing with him at the time you was making these remarks, will he be telling the truth?

A. He will be telling the truth; it is done in an inconceivably short space of time.

Mr. Serjeant Hullock.—Well, let Mr. Tyas come again.

Witness.—Mr. Tyas is a gentleman, who will not swear to what is not the truth.

James Andrews sworn : examined by Mr. Serjeant Hullock.

Q. I believe you are deputy constable of Bury?

A. Yes.

Q. You was formerly an inhabitant of Manchester?

A. I was.

Q. Did you happen to be at Manchester on the 9th. August?

A. I was.

Q. Do you know a place called Smedley Cottage, where Johnson resides?

A. Very well.

Q. On the 9th. August, do you remember seeing Mr. Hunt any where?

A. I do.

Q. Was he on horseback, in a carriage, or on foot?

A. In a gig.

A. By whom was he accompanied?

A. By Johnson the brush maker, at the side of St. Michael's Church.

Q. His companion was Johnson the brush maker?

A. He was.

Q. Any other carriage in company with them?

A. There was a chaise.

Q. Did you know the persons in the chaise?

A. I know since, and one or two I knew then.

Q. Have you seen the same persons since?

A. At different times.

Q. Tell us if you had any knowledge then, or have acquired it since?

A. On the box, by the side of the chaise driver, was Sir Charles Wolseley ; in the inside, was Harrison of Stockport, and Moorhouse.

Mr. Justice Holroyd.—Was the man there who was called Parson Harrison ?

A. Yes ; and another person I did not know.

Q. Have you had any means of knowing that person since ?

A. I have not.

Q. Did you hear any speaking ?

A. I heard Hunt speak, but I could not tell what he said.

Q. Did he speak from the gig ?

A. He stood up in the gig, and spoke ; he was speaking when I went up there.

Q. What number of people were there ?

A. Men, women, and children, a thousand, I dare say.

Q. Did he speak any length of time ?

A. About ten minutes after I got there.

Q. Was his speech received with silence, or in what way ?

A. Apparently at the end of sentences, there was a shout.

Q. Perhaps they might have shouted half a dozen times ?

A. There was a great shout when he went away.

Q. Was you at the meeting on the 16th. ?

A. I was.

Q. I do not inquire into the particulars of the different divisions coming on the ground ; but do you remember whether the hustings continued where they were, or whether they were removed.

A. I cannot say.

Q. Were there two carts ?

A. Only one.

Q. There was another brought ?

A. Yes.

Q. Did you see the cart that was there afterwards removed ?

A. I do not know whether that was removed or another brought to it.

Q. You do not know whether the cart was removed from its original position ?

A. I cannot tell that.

Q. You saw some of the inscriptions, such as "Equal Representation or Death," and so on ?

A. I did.

Q. Were there any daggers ?

A. I saw something that represented one.

Q. Did that surmount a flag-staff with a banner ?

A. A colour or banner.

Q. Do you remember the inscription ?

A. No.

Q. When they were all assembled together, what number of banners were there ?

A. I counted about fifteen stand of colours.

Q. How many of these had caps of liberty ?

A. I think about six or eight ; but it is so long ago, I can scarcely recollect.

Q. You saw Hunt's arrival, and how he was received ?

A. I did.

Q. Did you see the Cavalry form below Mr. Buxton's house ?

A. I did.

Q. Whereabouts were you ?

A. Upon the higher part of the brow that goes up Wind-mill-street, just at the top.

Q. You was in a situation to see the advance of the Cavalry ; such a situation as enabled you to have a full view ?

A. A very full one.

Q. Did any thing occur in your presence, that you saw, in their progress to the hustings ?

A. I saw, before the crowd began to face them, five or six people waved their hats in front of the horses.

Q. That was before they advanced ?

A. Before they advanced.

Q. Taking them to be in their way, in their progress towards the hustings, did you see any thing happen ?

A. I saw stones flying about.

Q. Are you quite sure, that before they reached the hustings, you saw stones flying about ?

A. I did; if you will give me leave I will tell you the reason.

Mr. Serjeant Hullock.—Only tell us what you did see.

Witness.—I recollect holding my head on one side, and I said to a person——

Q. Never mind what you said; you recollect holding your head on one side; what induced you to do that?

A. On account of the stones flying.

Q. From what part did the stones appear to come?

A. They appeared to come from the mob.

Q. Whereabouts?

A. It appeared to me to be the lower part of the hustings.

Q. Do you mean that part that lay between the hustings and the Quakers' meeting-house?

A. I do.

Q. In your judgment, from the appearance of the mob, would it have been safe to have attempted the execution of a warrant by the civil power, without the assistance of the military?

A. I would not have been one who would have gone.

Q. Was you in Manchester in January, 1819?

A. I was.

Q. Did you see Henry Hunt then?

A. I did.

Q. Where did you see him then?

A. At different times in the street, I saw him particularly go to the playhouse.

Q. Did you see him go there as one of the audience?

A. He was on the outside; it was the night the paper was issued to say there would be no play.

Q. Did you see any papers posted up that day, intimating there would be no play?

A. I do not recollect; but I heard ——

Q. At what time of the night was it you saw Mr. Hunt?

A. About six o'clock.

Q. Is that the usual hour of opening the play-house doors?

A. The doors were generally opened at six, and the play goes on at seven.

- Q. Was it in the interval between the hours of six and seven?
- A. It might be seven o'clock.
- Q. What was he doing?
- A. Speaking to the people.
- Q. What from a box?
- A. From the box, by the side of the coachman.
- Q. Then did he come in a coach?
- A. I think it was a stand coach.
- Q. Johnson was in the inside?
- A. He was; but Hunt was on the outside.
- Q. He got there to deliver himself. What number of people was he addressing?
- A. A great many.
- Q. How many?
- A. Many hundreds.
- Q. What was you doing?
- A. I expected some bother, and I went to see it.
- Q. Did you hear what he said?
- A. I heard him desire the people to be quiet, or else the bloody butchers of Waterloo would be let loose upon them; or something of that kind.
- Q. Are you quite sure he used the expression of the "bloody butchers of Waterloo"?
- A. I am quite sure of it.
- Q. Did he go away, after he had made his speech?
- A. He went back to the Spread Eagle, and I followed.
- Q. What, still expecting a bother?
- A. Yes; Mitchell began to speak.
- Q. You say you are now a peace officer at Bury?
- A. Yes.
- Q. And was formerly in Manchester?
- A. Yes.
- Q. How long have you been connected with the police?
- A. For years; I was a grocer before.
- Q. I will ask you whether it would have been safe to have attempted the execution of this warrant by the civil power, without the aid of the military.

A. I would not have gone myself.

Cross-examined by Mr. Blackburne.

Q. How long have you been a police officer at Bury?

A. Ten months.

Q. You liked it better than grocering?

A. It suits me.

Q. Although you did expect a bother, you was disappointed?

A. I was disappointed.

Mr. Serjeant Hullock.—And surprised?

A. And surprised.

Joseph Bickley sworn : examined by Mr. Littledale.

Q. Was you at the meeting on the 16th. August?

A. I was.

Q. Did you see the people come on the ground?

A. A good deal of them, I did.

Q. Had they sticks?

A. They had.

Q. Do you remember seeing the Yeomanry come on the ground?

A. I did.

Q. Did you see them proceed towards the hustings?

A. I did.

Q. In proceeding towards the hustings, did they meet with any opposition?

A. A great deal.

Q. Describe in what way?

A. The crowd seemed to oppose them, as if they would stop their progress.

Q. Had any of them their arms locked together?

A. They had.

Q. Many?

A. A great many.

Q. Did you see any stones thrown?

A. I did.

Q. Where did they come—where were they thrown from?

A. They appeared to me to come from towards the centre of the crowd, where they were strongest.

Q. Did you see any of the Yeomanry Cavalry struck with a stick?

A. I did.

Q. Who struck him—was it one of the crowd?

A. I did not perfectly see who struck him; I saw the stick come from the crowd.

Q. Was it small or thick?

A. A thick stick.

Q. Where did it strike the Yeomanry man?

A. It appeared, about the middle of the right thigh.

Q. Were these stones thrown, or blows struck, before the Yeomanry got to the hustings?

A. Before they got to the hustings.

Q. Did you hear the crowd use any words towards the Yeomanry?

A. Yes; some awkward expressions; "feather-bed soldiers;" "Church and guts men."

Q. What did they say; did they express any alarm at these feather-bed soldiers?

A. No; they seemed to say they were not afraid of them.

Q. What did they say?

A. They said they must stand fast, for they were not afraid of them.

Q. How did the Yeomanry conduct themselves, as they were going to the hustings?

A. Very orderly; I did not see any thing in their going up: they went up very deliberately.

Q. Do you remember Hunt and the other people being taken from the hustings?

A. Yes; I saw a little of it—very little.

Q. Was it before or after Hunt was taken from the hustings?

A. I think it was near about the same time; as near as I can think.

Q. In what direction was that?

A. In the direction of the Quakers' meeting-house.

Q. Did you leave the ground soon after this?

A. Soon after, I left the ground.

Q. I would ask you, in your judgment, could the civil power have executed a warrant without the assistance of the military ?

A. In speaking from my own idea, I certainly think not.

Cross-examined by Mr. Evans.

Q. What part of the field was you in ?

A. On some elevated ground near to Windmill-street.

Q. How far was you from the hustings ?

A. Perhaps fifty or sixty yards.

Q. What are you—what trade ?

A. Superintendent for a large concern : farming and carrying likewise.

Q. At what house ?

A. Castle Quay ?

Q. Whose concern is it ?

A. It was formerly James Jackson's.

Q. Who does it belong to now ?

A. The executors—I am one of the executors.

Q. Where do you live ?

A. In Hulme.

Q. Not in Manchester ?

A. Not in the township of Manchester.

Q. How far from Manchester ?

A. It adjoins to Manchester, close to it.

Q. How far from where you live ?

A. From the Market-place it is one mile.

James Jacques sworn : examined by Mr. Starkie.

Q. You are a calico printer in Manchester ?

A. Not now : on the 16th. August, 1819, I was.

Q. I will ask you generally ; did you see different bodies of people coming in upon Peter's Field on the day of the meeting ?

A. I did.

Q. Did you observe what number had sticks ?

A. A very great proportion indeed.

Q. In your judgment, was there serious ground of alarm for the safety of the town ?

A. Most assured!

Q. Was you in the Magistrates' room on that morning—they met at Mr. Buxton's house?

A. I was.

Q. Was Mr. Silvester the Magistrate there?

A. He was.

Q. Did you see any cards there, with the proclamation printed upon them?

A. I did.

Q. Did you see Mr. Silvester leave the room?

A. I saw him leave the house.

Q. Do you know whether he had one of these cards with him?

A. He had.

Q. You say, you saw him leave the house; do you know where he went?

A. Among the crowd.

Q. Did you see what he appeared to be doing?

A. I could not distinctly see.

Q. Did you see him after he came back?

A. I did.

Q. How soon after did he come back to the Magistrates' room?

A. Perhaps five minutes.

Q. In what state was he, as to his clothes?

A. He appeared to have been in the dirt—to have been knocked down.

Q. Were you present when the warrant was delivered to Mr. Nadin?

A. I was.

Q. Upon that occasion, did he agree to execute it, or decline, without assistance?

A. He declined, without assistance.

Mr. Serjeant Hullock.—We may appear to be repeating the same evidence; but it is important to the justice of the case, that all the facts should be stated, and then well proved.

Q. In your judgment, could he have executed it without military assistance?

A. I think not.

Q. Did you see the Yeomanry advance to the hustings?

A. I did.

Q. What obstacles prevented their approach?

A. A great proportion of the crowd came armed with sticks, and they had stones; they must have brought them to the ground.

Q. What did they do?

A. They attacked the Yeomanry; I saw the stones flying in the air in very great numbers indeed.

Q. What reason have you for supposing they must have been brought to the ground?

A. I had walked over the ground prior to the assembly of the mob.

Q. Did you see stones there then?

A. Certainly, none.

Mr. Justice Holroyd.—You say there certainly were none?

Q. Did you observe the ground afterwards—after the meeting was cleared?

A. I did.

Q. After it was cleared of the mob?

A. Yes.

Q. What did you then see?

A. A very large number of sticks, of very awkward appearance indeed.

Q. Awkward, as to size, or shape?

A. Both size and shape. They appeared as if drawn from the hedge that morning, a large proportion of them.

Q. Were they such as, in your judgment, would be sufficient to bring a Cavalry man from his horse, if properly applied?

A. If I was to give a Cavalry man one blow with it, I could bring him down very neatly, I am sure.

Q. Were the persons who had these sticks, capable of managing them as well as yourself?

A. A great deal more capable.

Q. I think you say you saw a number of these stones flying in the air, when they got pretty near the hustings?

A. When they got near the hustings.

Mr. Justice Holroyd.—When they got near the hustings, you say, you saw the stones flying?

A. I did.

Q. Did you see the sticks also used?

A. I did not distinctly see any thing of the kind.

Q. At the time the stones were thrown, as you have described, were the Yeomanry closed in by the mob?

A. They were; the stones were flying when the Yeomanry were near the hustings.

M. Justice Holroyd.—You saw the stones flying at that time?

A. I did.

Q. During the attack made on the Yeomanry, when they were so closed in, did it appear to you that the Yeomanry were in danger from the mob?

A. Most certainly.

Cross-examined by Mr. Blackburne.

Q. Where is it you live?

A. Union-street, Ardwick.

Q. What trade are you?

A. I have been out of trade a considerable time; I have since purchased goods on commission.

Q. Was you a spectator, or did you go in an official capacity?

A. The house where the Magistrates were, was my brother-in-law's, and he was from home.

Q. Does Mr. Silvester live near you?

A. No.

Q. Where does he reside?

A. I do not know where he resides.

Q. Have you seen him since the 16th. August?

A. I saw him on the 16th, and had known him prior.

Q. Have you seen him since lately?

A. Not these two years.

Re-examined by Mr. Starkie.

Q. Did you see whether any persons had their arms linked?

A. I did.

Q. At what distance from the hustings ?

A. I cannot distinctly state. The mass was so very dense I could only see the outside row.

Q. Did you see that from the Magistrates' room?

A. I did.

Thomas Sharp, sworn : examined by Mr. Serjeant Hullock.

Q. You are an iron-merchant, Mr. Sharp, and I believe have been the boroughreeve of Manchester ?

A. I have.

Q. And have acted as one of the chief constables ?

A. No ; not as chief constable. I have repeatedly acted as special constable ; I was so on the 16th. August.

Q. Where did you live in August, 1819 ?

A. In a village called Rusholme, about two miles from Manchester ?

Q. You had a house also at Manchester ?

A. I had.

Q. Was you apprized of the state of the public mind before the 16th. ?

A. I was.

Q. Had you any opportunities of seeing the different parties proceeding into the town of Manchester towards Peter's Field ?

A. I had, and took particular pains to make my observations for reasons of my own.

Q. What was the result of your observations.

A. The result was, in fact, I was perfectly well convinced, that a general expectation prevailed among the people who were coming to the meeting, that some very important event would occur in the course of the day : and that an opportunity for the plunder of the town, and a scramble for property, would be afforded. That was the decided impression on my mind early in the morning ?

Q. Did you observe whether any of the persons had sticks ?

A. I did. I beg to state that my observations applied to straggling parties, coming early in the morning. I had particular reasons for mixing among them ; my observations were made in the principal

pal streets approaching the area of Peter's Field; that is, Mosley-street and Piccadilly, which you will find in the map are the main approaches from Stockport, Oldham, and the towns in the neighbourhood of Oldham and Middleton. I devoted about an hour and an half, from eight in the morning till half-past nine, in walking along Mosley-street and Piccadilly, observing the demeanour of the people as they came into the town, and listening to a variety of expressions, and observing small parties.

Q. Well?

A. A great proportion of them had sticks of various dimensions; some were evidently saplings, or entire plants of themselves, and had recently been cut or taken up; they were in the hands of the younger and more athletic porportion of the people—a circumstance I noticed. I also heard a variety of expressions used, which have been borne testimony to in this Court, and which created the impression on my mind which I have stated, that they expected some great event—some change.

Q. Do you remember any particular expression that has not yet been adverted to?

A. I particularly remember two; one being addressed to myself; that was the second. It arose out of one that had just been made, and at which I smiled.

Q. State the first?

A. I was standing on the steps of the Portico news-room, in Mosley-street, and one of the persons in a party of five or six, observed that he should like to go in there; or used that or some expression like it.

Q. Go in, do you mean, to see it?

A. He should like to go in and see the inside. He used an expression to that effect. The reply of one or two of his companions was, if he would have a little patience, he might do so before night; and many another building, or many another house.

Q. Was that what excited a smile?

A. I stood a few yards from them, and I met a gentleman to whom I stated the circumstance, and we mutually smiled.

Q. Was any observation made in consequence?

A. Immediately, by another of the party, I was addressed in this way; we had had our way long enough, it would be their turn before night.

Q. You heard several other expressions?

A. A very great number.

Q. Were they of a similar tendency, and likely to excite apprehensions of the same nature as those you have alluded to?

A. Exactly.

Q. Did you take any precaution in respect of your personal safety?

A. With respect to my personal safety, I certainly went to my house in town, and loaded a brace of pistols. With respect to the safety of my property, I proceeded to my office in Market-street, which is one of the principal streets in the town. I stated to my confidential clerk——

Q. You gave some orders to close your warehouse?

A. I was only going to assign a reason.

Q. You desired him to close the warehouse?

A. In case of disturbance in the street, to close the warehouse. This was sometime before ten.

Q. Were there any things in the warehouse which might have been used by the mob?

A. In an offensive manner; yes, a great number.

Q. Bars of iron?

A. A great number of short bars of iron, very much in the form of a straight sword blade. I was the more anxious that the warehouse should be closed on that account, for I had once before——

Q. That was the reason for giving these directions; you did so in order to prevent these articles from falling into the hands of the mob?

A. Yes.

Q. I believe you had two daughters at school at Manchester?

A. I had.

Q. Were they in the habits of coming from your house in the morning?

Mr. Justice Holroyd.—What can that have to do with this cause?

Mr. Serjeant Hullock.—Your Lordship will find it has to do with it; they came from a distance; from the witness's house in Rusholme to Princess-street.

Witness.—They did.

Q. Did the appearance of things induce you to take any steps concerning them?

A. It did.

Q. Did you send to the school for them?

A. I went to the school myself, from the field.

Q. Did you go for the purpose of removing them from the apprehended danger?

A. I did.

Q. Your object, I believe, was anticipated?

A. It was; their mother had not sent them; she had left them at a relation's in Oxford-street.

Q. I do not ask you as to the particular circumstances that occurred on the march to the field, but I will ask you, did you sign the declaration which was made before the Magistrates?

A. I did.

Q. Did you sign it from a feeling of apprehension for the safety of the town?

A. I did, most assuredly.

Q. Did you see the Yeomanry come on the ground?

A. I did.

Q. And halt and form just before Mr. Buxton's house?

A. On the right.

Q. Did you observe in what manner they were received by the assembly—by the mob?

A. I did, particularly.

Q. Have the goodness to state their manner, and the impression it made on your mind?

A. As soon as I arrived in front of where the Magistrates were, I immediately looked round to the hustings, and I observed that Mr. Hunt was directing the attention of the people round the hustings,

to the point where the Yeomanry were assembled before Mr. Buxton's house. The whole of the compact body was formed with their backs to Mr. Buxton's house; they faced about towards the Yeomanry, and immediately set up a most tremendous shout, accompanied with hootings and hissings. It was a shout which differed very materially from the cheers that had been given to the parties on the ground; it appeared to me to be an act of defiance. Immediately, as many of the compact body as I could see, from the situation where I was, commenced linking hands or arms, with their faces towards the Yeomanry; and it appeared to me that they were determined to resist any attempt to interfere with their proceedings.

Q. Did the Cavalry begin to advance?

A. Very shortly after.

Q. Did you and your brother advance with them?

A. We were on the left of the Cavalry.

Q. Did you, as the Cavalry advanced, observe any thing on the right side of the Cavalry?

A. I did.

Q. As they were penetrating through the crowd?

A. As they approached the compact part of the crowd round the hustings.

Q. What did you perceive?

A. I observed several sticks, on the right of the Cavalry from me, elevated so high above the horses' backs, that I could distinctly see them; and in the act of striking.

Q. Did that produce any effect on the horses?

A. It occasioned many of the horses suddenly to swerve, and rendered them more unsteady. In consequence, they pressed more on the special constables; and, to avoid being trampled upon, I retreated with my brother to the rear of the Yeomanry Cavalry.

Q. Was you able, from your position then, to observe any thing more before the Yeomanry reached the hustings?

A. I never removed my eye from the hustings till the Cavalry surrounded them. I beg to observe here, that in returning to the

rear, I did not turn, but pushed my way back, which enabled me to continue my view of the hustings. The moment that the head of the column of the Yeomanry approached the side of the hustings next to Mr. Buxton's house, I observed a brickbat hurled from the high ground along Windmill-street, towards the hustings. A short interval elapsed before the Yeomanry had entirely surrounded the hustings; and at the same moment that was effected, as I supposed, I saw a considerable number of stones and brickbats both; I could distinguish their various forms.

Q. Before that, had you seen any thing take place on the part of the Yeomanry—had they done any thing?

A. I certainly think not; for I watched them most jealously.

Q. You have stated you kept your eye on the spot; in your judgment, if any act of offence had proceeded from the Yeomanry up to that time, must you have seen it?

A. Certainly, I think I must. I watched them most attentively, and had very good reason for doing so. May I state what I think they did as to the waving their swords?

Mr. Serjeant Hullock.—State any thing you saw.

Witness.—As they approached the compact body, they waved their swords over their heads, with a view of intimidating them, and inducing them to make way; but distinctly over their helmets.

Q. Did the Yeomanry, at the time they reached the hustings, experience a serious resistance?

A. I considered, a serious resistance.

Q. Did you afterwards see the Dragoons come on the field?

A. Yes; I saw the 15th. Hussars come on the field, and the Cheshire Yeomanry; the 15th had advanced.

Q. Now at the time the 15th. and the Cheshire Yeomanry came on the ground, was that portion of the Manchester Yeomanry who had advanced up to the hustings, in jeopardy and danger?

A. I think, very considerable danger.

Q. In your judgment, would they have been overwhelmed if they did not receive the assistance they did receive from the Dragoons and the Cheshire?

A. I think they must; inevitably.

Q. In your judgment, was the immediate intervention of the Dragoons and Cheshire, necessary for the salvation of the Yeomanry?

A. I thought so. I was very anxious for their arrival some time before they made their appearance.

Q. Was that anxiety occasioned by your fears for the safety of the Manchester Yeomanry?

A. It was. I thought they must be overwhelmed in a very few minutes.

Q. In your judgment, would it have been safe, under all the circumstances, to have attempted the execution of a warrant by the civil power, without the aid of the military?

A. I decidedly think, that to have made such an attempt would have been an act of the greatest possible temerity—perfect madness.

Cross examined by Mr. Evans.

Q. Where were you when you saw all this—how near?

A. When the Yeomanry advanced, I was near the point they halted at.

Q. I mean when you saw the stones thrown?

A. I followed the rear of the Yeomanry as well as I could, and was very near the outskirts of the compact body before the hustings; at the distance of twenty yards from the hustings; not thirty, I am convinced.

Q. What became of your pistols?

A. I gave one to my brother on the field, and had the other in my pocket.

Q. You and your brother had these two loaded pistols on the field. What size might the pistols be?

A. Not the screw barrel; I can scarcely call them pocket-pistols; but they were the side-lock pistols, such as police officers carry.

Q. You made yourself very active in collecting information?

A. For my own satisfaction. I was desirous of proving ———

Q. Be so good, sir, as to answer my question?

A. If your question is directed in a way that requires explanation, I trust I may be permitted to give it.

Q. Did you see women?

A. A many—a considerable number.

Q. Did you see any children?

A. I cannot charge my memory with having seen one child; there might be: that there were young people, from the age of 12 to 18, I can readily believe; I saw many; but an infant I did not see.

Q. You say your brother and you advanced together—was he from London?

A. He was; on a visit to me.

Q. How near was you to the hustings when the Yeomanry surrounded them?

A. When the head of the column arrived, I was in the act of retreating to the rear; and as the Yeomanry advanced, I followed. At the time they surrounded the hustings, I might have been at the distance I stated, not less than twelve yards, and not more than twenty. I conceived that the compact body of the people occupied from eight to ten yards, and I was very near that body.

Q. Did you see the Manchester Yeomanry wound any persons at the hustings?

A. I did not.

Q. Did you see them wound any persons any where?

A. Not in the course of that day.

Q. Did you see them strike any person?

A. I cannot positively state that. In the course of a minute after Hunt was taken away, I was struck down by the officer, on the left flank, and was stunned for half a minute. The first thing I observed when I came to myself was, that the Manchester Yeomanry were at the other side of the field, near the Quakers' meeting-house. That was the first thing I observed; of course, there must have been an interval while I was stunned.

Re-examined by Mr. Serjeant Hullock.

Q. You gave one pistol to your brother; was the pistol you reserved fired?

A. Certainly not.

Q. Was your brother's?

A. Certainly not; my brother was never from my side more than three minutes during the course of the day.

Samuel John Smith sworn: examined by Mr. Littledal c3

Q. You were a special constable on the 16th. August, 1819?

A. I was.

Q. Did you attend at the meeting at St. Peter's Field?

A. I did.

Q. Whereabouts was you stationed?

A. Very near the hustings.

Q. Did you observe whether any of the people who came on the ground had any sticks with them?

A. Yes, I did.

Q. Were some of them very large?

A. Yes; some of them were larger and thicker than walking sticks.

Q. Do you remember, before Hunt arrived, seeing a man in a flannel jacket?

A. I do.

Q. Did you hear him say any thing?

A. Yes.

Q. Whereabouts was that?

A. He was close by me; I was separated from the hustings by the pressure of the mob.

Q. In what direction was he looking when he spoke?

A. He was looking towards the special constables.

Q. What did he say?

A. He said "there won't be many of those white neck-cloth'd gentry in about an hour."

Q. Did you hear any thing said by any other of the people?

A. Yes.

Q. Where was he standing?

A. Very near where I was; I got shifted by the pressure. A man close before me said, "they will soon see what they have brought upon themselves;" he spoke it in broad Lancashire.

Q. Did you observe, at this time the sticks?

A. Some of them shouldered their sticks, and some waved them in the air at intervals.

Q. In what way did they wave them in the air?

A. In a kind of waving manner, as if they were rejoicing.

Q. These speeches you say you heard were before Hunt arrived?

A. A little before.

Q. After Hunt arrived, do you remember any thing he said?

A. Yes.

Q. At the time he said any thing, were there any of the military in sight?

A. The military were then forming in Dickinson-street—the infantry.

Q. Did you hear any thing that Hunt said?

A. Yes; “stand firm, and keep our enemies at a distance”, or words to that effect.

Q. Did he say any thing else?

A. Yes.

Q. What?

A. But that was afterwards.

Q. What did he say afterwards?

A. He ordered them to lock arms.

Q. What did he say?

A. He ordered them to lock arms, and stand firm, and keep their enemies off, or words to that effect.

Q. What else?

A. Words to this effect — “if our enemies create any disturbance, get them down, quiet them, and keep them down.”

Q. Do you remember a man near you saying any thing?

A. Yes; close before me. I was then in the midst of the crowd, separate from the rest of the constables. He said, looking to the man next to him, “Why that is killing ’em.”

Q. Did the other man make any reply?

A. The other man said “aye;” and they both smiled.

Q. Do you remember seeing the Manchester Yeomanry coming on the ground?

A. Yes.

Q. Was it after this?

A. Yes.

Q. You saw them come round the street?

A. I saw them come round the cottage wall, and form in front of the street where the Magistrates were.

Q. Did Hunt say any thing?

A. He turned to the next man to him, who was I think Johnson, and he said, "there's a treat for you." He faltered very much in his speech, and seemed to be at a loss what to say. He then waved his hat and cheered, and the mob all joined him.

Q. At this time, were the people about the hustings with their arms locked?

A. Yes; and I was in the midst of them at the time.

Q. Separated from the rest of the special constables?

A. Yes.

Q. Did you see the Yeomanry advance?

A. Yes.

Q. From Mr. Buxton's house?

A. Yes; from Mr. Buxton's house.

Q. Did you notice a trumpeter among them?

A. Yes; he came the first.

Q. When he came near the hustings, did you see any thing done?

A. I saw one of the mob strike his horse with a stick.

Q. Did you see any stones thrown?

A. Immediately afterwards.

Q. In your judgment, was it possible for the civil power to have executed the warrant without calling in the assistance of the military?

A. I think it was not.

Q. Prior to the meeting, had you given any directions—do you know whether any attention was paid at St. Peter's Field, about the stones, and what did you do yourself?

A. I saw a great many stones in Lower Mosley-street, and the vicinity, where they were repairing the street. I went to the Police Office, and told them that I thought they were dangerous.

Q. Were they ordered to be removed?

A. They were taken away.

Q. On what day was this?

A. This was on the Friday.

Q. Did you look for them on Sunday?

A. Yes; and on Monday.

Q. On Monday, did you look to see whether the stones were there then?

A. They were gone on the Monday morning. I was over the ground, and there were no stones to be seen, either in the field, or in the vicinity.

Q. Were you upon the ground after the meeting was dispersed?

A. Several times.

Q. Did you see any thing then?

A. A great many sticks and stones—a great abundance.

Q. Were there any brickbats?

A. A great many. Several of the sticks I took up and examined. Some of the large ones. Some of them appeared to have had something screwed on at the extremity; there were the marks of a screw fitted on.

Q. Was there any thing more that attracted your attention?

A. No.

Q. Did you feel any alarm for the safety of the town?

A. Yes; very great alarm.

Q. I will ask you whether, in your judgment, you think the warrant could have been executed by the civil power, without the aid of the military.

A. It could not.

Cross-examined by Mr. Blackburne.

Q. What are you besides a special constable?

A. In the Manchester business.

Q. I do not understand, by that answer, what you mean; do you mean the cotton trade?

A. The cotton trade.

Q. Did you look at the military, from the hustings, in Dickinson-street?

A. I saw them in the direction of Dickinson-street.

Q. In what position was you, with reference to the hustings?

A. Allow me, and I will shew you.

The witness took the map and pointed out the precise spot where he stood.

Q. Is that a correct representation of the place where the hustings stood, and where you say you stood — you observe where they are marked?

A. I was on this side of the hustings, (pointing to the map,) within a few yards.

Q. Was it possible, from the hustings, to see the troops drawn up in Dickinson-street?

A. Yes; I just saw a part of the Infantry. I was between Windmill-street and the hustings.

Q. You say Hunt came in a carriage?

A. Yes.

Q. Where was that put after he got out of the carriage?

A. I did not take notice of the carriage afterwards.

Q. You said something of the linking of arms?

A. Yes.

Q. Had they their faces towards Mr. Buxton's house?

A. Some had, and some had not. I was so closely pressed, I did not take particular notice.

Q. How far from the hustings was you, when you got into this pressure?

A. I do not precisely know; I could not get away.

Q. You could not get extricated then until they had surrounded the hustings?

A. Just as they had surrounded the hustings, I had an opportunity of getting out of the crowd a little.

Q. Did you see any thing of them, after they had gone towards the Quakers' meeting-house?

A. Upon my word, I cannot say.

Q. Did you hear the Yeomanry shout out, "now have at their flags"?

A. I do not remember.

Q. You did see some cut at the flags?

A. I saw no one cut; I saw some one take the flags away. I was, just at that time, obliged to use great care, in order to keep upon my legs.

Q. You had not your faculties so very quick at that moment?

A. I had my own self-preservation to look to.

Edward Shawcross was called but did not answer.

Francis Philips sworn: examined by Mr. Serjeant Hullock.

Q. You reside at Manchester?

A. At Manchester.

Q. I believe you are a merchant?

A. I am a merchant and manufacturer there.

Q. I believe your attention was attracted by the crowd of people going to Manchester on the 16th.?

A. It was.

Q. It will not be necessary for me minutely to examine you; I will only ask you, did you observe in what way they were armed; had they sticks?

A. The party I met at Ardwick Green, about a mile and a half from Manchester, in number about 1500, to the best of my knowledge, marched, though without music, with perfect regularity. It may be important to mention, that I saw one of their flags distinctly; there were two flags, one of them had inscribed on it, "No Car Laws," the other I cannot speak to.

Q. Had they any sticks?

A. A great number of sticks.

Q. Of what description of sticks.

A. They were such as countrymen walk with. I beg the foreman of the Jury to let me see the stick in his hand. I did not see one that was not four times as thick as that.

Q. Did you see any that had the appearance of being recently cut—recently taken from the tree or hedge?

A. I particularly noticed one, that was a formidable weapon indeed. It was apparently as thick as my wrist, with a green bark as if newly cut.

Q. Did the man say any thing to you?

A. The man observed that I was looking particularly at him; he carried it on his shoulder. He put his other hand to it and shook it at me in a threatening manner.

Q. Did you observe any of the parties or divisions, distinguished by a particular badge in their hats?

A. That was another. The party I saw, came on the ground; I identified and saw the same banners on the field.

Q. State whether you remember any party on the ground, or any where else, particularly distinguished?

A. I observed a large party, distinct from the one I have mentioned, enter St. Peter's Field; a number of them were distinguished by a green leaf—a laurel leaf I believe it to have been, in their hats; another part of them had a white badge in their hats.

Q. From what you observed of the parties who entered the town, and proceeded to the meeting at St. Peter's Field, in your judgment, was the meeting such a one as was calculated to inspire alarm?

A. I expected Manchester would not exist, as Manchester, that night. And I am firmly of opinion, that if a bolder commander had been at the head of the meeting, such a one as Thistlewood, that would have been the case.

Q. In your judgment, was the danger you apprehended, averted by the interposition of the military?

A. It was averted by the wisdom of the Magistrates and the constables, and by the calling in of the military, in aid of the civil power.

Q. In the course of the day, what further expressions did you hear from the mob?

A. I heard a great number; some similar to those given in evidence, which it would be useless to repeat. One I particularly remember, which was distinct from the others.

Q. What was that?

A. A man very similar in appearance to the third witness for the plaintiff, who was a hatter in Oldham, but not the man I am speaking of, was addressing a little group round him. He said to his companions, "it will soon be settled; and when our strength and numbers are known, people of consequence will join us," or words to that effect.

Q. Did the alarm you felt on that occasion, induce you to take any precautions for the safety of your property ?

A. Certainly.

Q. What did you do ?

A. With respect to my house, I made it, in fact, into a garrison. In respect to my warehouse, I had the windows secured, and two or three of the outer doors well secured early in the morning; and I ordered a trusty servant never to quit the third door, and to close it at the moment he saw the appearance of a crowd advancing.

Q. In your judgment, in the face of such an assembly, and such a mob, would it have been safe to have executed a civil process without the aid of some military ?

A. It would have been excessively injudicious and rash.

Cross-examined by Mr. Evans.

Q. Are you aware whether the Magistracy gave any directions that the shops should be shut on that day ?

A. I knew nothing of it. I wish it to be understood, I do not know it of my own knowledge ; I may have heard of it.

Q. Did you ever hear of it from any of the Magistrates ?

A. I did not. I had no communication with them before the meeting.

Q. You published a pamphlet about this ?

A. I did.

Q. You published two editions ?

A. I did.

Q. I believe you found it necessary to correct some error in the second edition ?

Mr. Serjeant Hullock.—The edition will correct itself.

Witness.—I made a slight alteration. I added a chapter, and corrected two words, in the second edition.

Mr. Justice Holroyd.—Why were we to go into that ?

Mr. Evans.—To shew that he has given his opinion under a strong impression and bias.

Mr. Justice Holroyd.—You cannot go into that ; he is speaking on his oath.

Q. You feel a strong interest in this question?

A. I think it is the duty of every Englishman to feel a strong interest in the welfare of his country.

Q. Were the people suffering distress at this time?

A. There were many suffering distress, but the ringleaders had suffered distress. The distress was occasioned by them.

Q. I am not asking you any questions as to the cause of their distress, there are four or five Counsel in the cause, and I think the Court might leave it to them. There were people out of employ?

A. I dare say there were. I have no doubt that was the case; no doubt the fact, though certainly there were many people who were employed.

Q. Did you see any person wounded or cut by the military?

A. Not one.

Q. Where was you when the Manchester Yeomanry marched upon the hustings?

A. I was near Mr. Buxton's house, and very near the spot where they filed off with the constables. It was the dust occasioned by their filing off towards the hustings, that prevented my seeing what happened afterwards.

tenant Frederic Buckley sworn: examined by Mr. Starkie.

Q. Was you an officer in the 15th. Hussars, on the 16th August, 1848?

A. I was.

Q. In Captain Carpenter's troop?

A. In Captain Carpenter's troop.

Q. At what time upon the 16th. August, did the troop go upon the ground?

A. I should think about half-past twelve; as near as I can recollect.

Q. Upon St. Peter's Field?

A. Upon St. Peter's Field.

Q. Who commanded the division when you first went on the ground?

K K

A. Captain Carpenter commanded the troop to which I was attached.

Q. I believe you halted before the Magistrates' house?

A. We did.

Mr. Justice Holroyd.—Before Mr. Buxton's house?

A. Before Mr. Buxton's house.

Q. Was you able, at that time, to see in what situation the Manchester Yeomanry were?

A. They appeared very much dispersed among the crowd; I should think there was one Yeomanry man in a group of one hundred of the mob, or two hundred.

Q. Detached from each other, and each surrounded by a number of the mob?

A. Surrounded by a number of the mob.

Q. So that they could no longer act as a body?

A. Certainly.

Q. In your judgment, was it necessary for their safety that assistance should be given?

A. Except for their being dispersed, I could not see their immediate danger.

Q. But in the situation in which they were?

A. I should think, certainly, sir; they appeared jammed in.

Mr. Justice Holroyd.—You did something to assist them?

A. I did, to enable them to get out of the crowd. Orders were given for other military forces to come to their assistance.

Q. Was it necessary to order other military forces to come to their assistance?

A. Certainly.

Q. What orders were then given?

A. We were ordered to front, and forward.

Mr. Justice Holroyd.—That order would be given by the officer?

A. I heard it from the officer in front.

Q. Who was the officer?

A. I really forget.

Q. Did you proceed forwards?

A. We did.

Q. In proceeding forward, did you meet with any resistance?

A. The mass of people was so great, that I thought it proper to urge my mare to bolt as fast as she could—there were such a number of people in close contact, that she fell, and I with her.

Q. Did you see any resistance offered?

A. Those persons with whom I came in contact, were stationed as though determined to oppose the body then advancing.

Q. Do you know the Quakers' meeting-house?

A. I do.

Q. Did you go there?

A. As soon as I could extricate my mare, and disengage myself from her, and she was raised up, I mounted and galloped towards the Quakers' meeting-house, the other side of Peter-street.

Q. Did you hear any cries among the mob?

A. Several of the mob had made front—had fronted.

Q. To the military?

A. To the military.

Q. Did you hear cries?

A. I heard several cries of "pelt them, pelt them," and there were several showers of missiles.

Mr. Justice Holroyd.—You said something about missiles.

A. I said, I heard cries of "pelt them, pelt them," accompanied at the same time with showers of missiles.

Q. Of what did those missiles consist?

A. I do not exactly know. As far as I could see in the way they were flying in the air, I think they were brickbats, and decidedly stones.

Q. Where were these people placed who made resistance?

A. The greater part were behind the breastwork of a wall.

Q. Did they appear to be determined in their resistance?

A. Very much so. I thought the very act of their remaining there denoted that.

Q. Did you hear whether any words of encouragement were given to others?

A. I heard these words of "pelt them, pelt them"; they appeared to be directed to others on the spot, and to the Quakers' meeting-house adjoining.

Q. Were there a number of persons in the yard adjoining?

A. A great many.

Q. In the meeting-house yard?

A. In the meeting-house yard. I endeavoured to get into the meeting-house yard by some steps on the side.

Q. I was just going to ask you what height was the wall that separates the meeting-house and the field?

A. The wall is of considerable height, I really forget, but I should think considerably higher than this (meaning the witness's box). I tried to get up, but I found it impracticable from the numbers; I rode to the opposite side in Dickinson-street.

Q. You found it impracticable to gain access to the meeting-house yard?

A. I found it impracticable without loss of time.

Q. Were there people upon the wall?

A. Upon the wall, below the wall, and within the wall.

Q. Did they appear to be acting together in concert?

A. Decidedly so.

Q. Was the mare you rode at all injured?

A. At the time, I did not know of it. She was injured; allow me to continue. I galloped in the direction of Dickinson-street, and I met Col. Dalrymple, who desired me to look for a trumpeter. I went in the rear of the meeting-house, through a crowd, some of whom were armed with sticks.

Q. You say several were armed with sticks, did they attempt to strike you?

A. I had to push through such a group, that I could not see whether they raised their arms. But, in the mean time, the rally had been sounded, and I galloped to where my troop formed. As I went to where my troop was, I encountered a man who was armed with a weapon. It was an iron hoop, doubled in such a way as to make it a three-fold casing of iron.

Q. Did this appear to you to be a formidable weapon?

A. Very much so; as far as in the haste I was, I could distinguish, it appeared strong and of some length.

Q. What did he do?

A. He raised this, as I thought to attack me; I think I made a cut at him, but he happening to fall on a raised ground, my sword only struck him slightly. He fell so quick, I barely did strike him.

Q. This was after he had attempted to strike you?

A. After he had attempted to strike me. There were several flying in every direction, but this man remained.

Q. The man armed with this instrument stood his ground?

A. Yes.

Q. Did you afterwards discover that your mare had received any injury?

A. I went to the troop, and a man remarked—a farrier—a man told me to look, and he said “your mare is wounded;” I looked and found she was.

Cross-examined by Mr. Evans.

Q. When you came on the ground, was there a great mob between you and the hustings?

A. A very great mob.

Q. Consequently your troop went gently through them?

A. I was at too great a distance from the commanding officer to know what pace he ordered, but I think on the flank to which I was attached, we cantered; for myself, I know I cantered. I saw no possibility of getting on with any other pace than a canter.

Q. I understand you was not near enough to the commanding officer to know what order he gave?

A. There was so much bustle, that I could not see where the commanding officer was: but I heard the order repeated by Captain Carpenter or some officer: “forward,” I heard distinctly.

Q. Any other expression?

A. “Forward, forward.”

Q. Your mare fell?

A. My mare fell.

Q. And the troop went on?

K k 3

A. Several fell at the same time.

Q. By the mass against which you had cantered, a great many were thrown down by cantering against the mass; when did you get up again?

A. I extricated myself as soon as I possibly could, and trying to get on, one of my men seized the bridle of my mare, and I got on.

Q. You galloped?

A. I galloped.

Q. Then the mob were dispersed?

A. In two seconds, I raised myself.

Q. Do you mean that the mob was dispersed in two seconds?

A. No; I raised myself in two seconds: when they were dispersed, I cannot say.

Q. You galloped to the Quakers' meeting-house?

A. I galloped to the Quakers' meeting-house.

Q. Did any troop precede you?

A. When we got there, there were some of the Manchester Yeomanry interspersed with us.

Q. Did any body tell you what you was to do with your sabre?

A. Not any one.

Q. None of you used your sabres but at that time?

A. But at that time. I think afterwards there was one I struck with the flat of my sword, but very slightly.

Q. Did you see any one of the men cut with their swords?

A. Decidedly not.

Re-examined by Mr. Storkie.

Q. You say you fell, and got up in two seconds?

A. Yes.

Q. And part of the mob were dispersed?

A. Decidedly.

Q. You do not mean to say that the mob was entirely dispersed?

A. Certainly not.

Q. There was a great mob in Gregson-street, and an equal number in others?

A. Certainly.

*Lieutenant Charles Routledge O'Donnell sworn : examined by
Mr. Littledale.*

Q. You are a Lieutenant in the 15th. Hussars ?

A. I am.

Q. In Captain Carpenter's troop ?

A. In Captain Carpenter's troop.

Q. On your arrival on the ground, there was a halt for some time ?

A. On my arrival at the ground, there was a temporary halt for the purpose of forming. We then advanced. I think the word "forward" was given.

Q. Go on ?

A. We then advanced.

Q. Did you find any resistance on the part of the crowd ?

A. There was a considerable crowd ; I cannot say I met with individual resistance.

Q. Did you find it difficult to advance ?

A. Not in the situation I was. I was in the extreme right of the area, and my situation led me towards the Quakers' chapel, in the direction of Peter-street.

Q. You advanced towards the Quakers' meeting-house ?

A. I advanced towards the Quakers' meeting-house.

Q. Were there many people assembled there ?

A. Not so great a crowd in that place, as there was immediately round the hustings ; yet there was a crowd.

Q. As you was there, did any body attempt to strike you ?

A. After I passed the Quakers' meeting, a man made a blow at me with an iron railing ; such as is generally in front of houses. I warded it off. As the man was going along, he made a blow with both his hands, let fall the weapon, and went off in the crowd.

Q. About that time, did you observe one of the Manchester Yeomanry ?

A. On advancing, before I arrived in the direction of the Quakers' meeting, I saw a pistol fired ; and immediately after, I saw one of the Manchester Yeomanry fall from his horse. It appeared to me as if he had been shot ; but I heard afterwards that was not the case. The impression on my mind was, that the man had been shot.

Q. Where was the pistol fired from ?

A. It was fired from a group of several persons assembled together, immediately under the wall of the Quakers' meeting-house. I cannot positively swear it came from the Quakers' meeting, but it seemed to me that it came in that direction.

Q. Did you afterwards ride to other parts of the field, to assist in the dispersion ?

A. I did, afterwards ; it was after the pistol was fired that I met with the man with the weapon. In my way to the Quakers' meeting, I heard the pistol, and saw the man fall ; afterwards I met the man with the bar of iron.

Q. From all you saw, from the state of the crowd, and, in short, every thing you saw, could the Manchester Yeomanry have dispersed the meeting ?

A. No.

Q. Do you think they were themselves in danger ?

A. I think they were in very great danger ; that is my opinion.

Cross-examined by Mr. Blackburne.

Q. You think the Manchester Yeomanry were not competent to disperse the meeting ?

A. They were not numerous enough ; not competent to withstand any attack where there was so numerous a meeting.

Q. And therefore if it had been the object of the Magistrates to have dispersed the meeting, it would have been more prudent to have waited for you ?

A. It would have been more effectual.

Q. If their object had been to have dispersed the meeting ?

A. If their object had been to have dispersed the meeting.

Q. You say that the impression on your mind was, that the Yeomanry man was shot ?

A. It was.

Q. That impression has been since removed ?

A. It has ; for I have been informed, it was not the case.

Q. This bar of iron was too heavy for the man ?

A. He threw it down ; after striking at me, he stood and threw it down.

Q. It did not hit your horse ?

A. It did not; I guarded it off by the point of my sabre.

Q. You say your impression, that the Yeomanry Cavalry man

Re-examined by Mr. Littledale.

had been shot, was only removed by the information you received that such had not been the fact; if you had not been so informed, would that impression have still remained?

A. If I had not been informed that the man was not shot, I should have still had the impression on my mind that he was; I told many of my friends that I had seen the Yeoman shot.

Lieutenant James Mc Alpine sworn: examined by Mr. Serjeant Hullock.

Q. You was a Lieutenant in the 15th. Hussars, at the time of this meeting?

A. Yes, I was.

Q. To what troop attached?

A. To Major Hancox's.

Q. When you came on the ground, you were formed on the outside of the house where the Magistrates assembled?

A. We were.

Q. How soon after that did you receive the word to advance?

A. Almost immediately.

Q. In your passage across the field, did you observe any of the Manchester Yeomanry Cavalry in any particular situation?

A. In our advance, I remarked some of them round the hustings.

Q. Were you, at any period of the day, near the Quakers' meeting-house?

A. I was.

Q. Did you see at that part of the field, any of the Yeomanry?

A. Yes, I did.

Q. Did you see any who had been dismounted?

A. I did; I saw one lying on the ground, apparently senseless.

Q. Did you observe any person on foot, walking from the spot where he was lying?

A. I observed a man walking away.

Q. Had that person who was walking, any instrument of offence?

A. He had a small knife.

Q. Was it open?

A. It was.

Q. Of what description of knife?

A. It appeared small, the blade was about three inches long, and half an inch broad, and sharp at the point.

Q. Did you see the mob collected upon and near the wall of the Quakers' meeting-house?

A. I did; but at this time they were not very numerous. It was sometime after the other part of the field was tolerably cleared.

Q. Had the resistance discontinued?

A. It appeared to me, that that was the last part where there was any resistance, for the other part of the field was cleared.

William Rooks sworn: examined by Mr. Starkie.

Q. Was you a private in the 15th. Hussars in August, 1819?

A. I was.

Q. In Captain Whitefoord's troop?

A. Yes.

Q. Did you advance with the rest of the troop from the Magistrates' house after you had halted there?

A. Yes.

Q. While proceeding, was you attacked by any one?

A. I was attacked by one person.

Q. Had that person any instrument with which he attacked you or your horse?

A. Yes; the instrument was in the form of a gardener's hook.

Q. Did you see if it had any iron at the end?

A. It had.

Q. Could you observe whether it was sharp or not?

A. I am certain it was sharp.

Q. In what way did he use it?

A. Drawing it across with both hands (the witness described a motion something like that of a person mowing).

Q. Did he use it as if striking with it?

A. Yes.

Q. What height was this from the ground; was it as high as your horse's belly?

A. No; it had a short stock.

Q. Where did he strike you?

A. He struck my horse at the end of the saddle flap, and it extended to the flank.

Q. Was you able to avoid the effect of the blow?

A. Only by one of the Yeomanry Cavalry.

Q. What did he do?

A. He said, "if you do not take care, your mare's entrails will fall from under you."

Q. Upon that warning what did you do?

A. I looked down at my horse, to see in what condition it was, and I saw the blood; I tried to catch the man; I could not, he got under the horses' bellies and escaped.

Q. Was you able partly to avoid the blow from the warning you had?

A. I did.

Q. Where was your horse cut?

A. From the end of the saddle flap to the flank.

Q. What would have been the consequence if you had not been warned?

A. I expect the mare would have fallen down right under me.

Q. The man, you say, made his escape; what became of you?

A. I proceeded on to the further end of the field.

Q. Were some of the 88th. there?

A. There were?

Q. What happened there?

A. I saw a shot fired from the roof of a house.

Q. Was it a gun?

A. A pistol.

Q. You saw it fired from the roof of the house?

A. Yes.

Q. Could you see what way it was directed; was it to the 88th.?

A. No; down below.

Q. At one particular man?

A. At one particular man alone.

Q. Did you afterwards go to the Quakers' meeting-house?

A. I did.

Q. What did you see done there?

A. I saw one of the Yeomanry Cavalry against a place, and several men attacking him with a pole.

Q. You saw one of the Yeomanry Cavalry against a place, and several men attacking him with a pole?

A. Yes; the man they attacked, was knocked off his horse and they left him for dead, and he was carried into a house insensible.

Q. Were a number of persons near the Quakers' meeting-house.

A. Yes; many.

Q. Were there many with sticks?

A. Yes; I may say a thousand.

Q. Were they using their sticks?

A. They did use them.

Q. In what way?

A. Hammering both the Yeomanry Cavalry, and other people likewise.

Q. Did you see any stones thrown?

A. Yes; many.

Q. Against whom were the stones thrown?

A. Against us and the Yeomanry Cavalry, in particular.

Q. How soon after you began to advance from Mr. Buxton's house, did the throwing stones begin?

A. The instant, and before we began our march—they were flinging stones before we advanced at all.

Q. You had halted at first?

A. We did.

Q. And then the throwing stones commenced?

A. Yes; I conceive the stones began to be thrown before we left the place.

Cross-examined by Mr. Evans.

Q. What part of the field was you in, when this desperate attack was made on you with the gardener's hook?

A. Within ten yards of the hustings.

Q. When this attack was made on you, one of the Yeomanry told you of it?

A. He did.

Q. One of the Manchester Cavalry?

A. No; one of the Cheshire Yeomanry.

Q. When you got to the Quakers' meeting-house, had any soldiers preceded you?

A. There was a party of our men there before me.

Q. Also part of the Manchester Yeomanry?

A. Most likely.

Q. You marched very deliberately through the mob?

A. We did.

Q. Slowly.

A. We went at a walk.

William Carnell sworn: examined by Mr. Littledale.

Q. Were you in the 15th. Hussars?

A. Yes.

Q. In Captain Whitefoord's troop?

A. In Captain Whitefoord's troop.

Q. Did you advance from the front of Mr. Buxton's house?

A. Yes.

Q. Before you got to the hustings, did any thing happen to you?

A. Yes.

Q. What was it?

A. I received a blow on the thigh with a stick.

Q. Who from?

A. One of the mob.

Q. That was before you got to the hustings?

A. Yes.

Q. When you got to the hustings, did anything occur then?

A. Yes.

Q. What?

A. I received a blow on my horse's head.

- Q. From one of the mob?
- A. Yes.
- Q. What did it appear to you to have been done with, at the time?
- A. It appeared to have been cut with some instrument.
- Q. What was cut?
- A. The noseband — the noseband of the bridle.
- Q. Was the noseband of the bridle cut through?
- A. Not quite.
- Q. Up to this time, had your troop kept together or separated?
- A. Separated.
- Q. What was it occasioned the separation?
- A. The thick of the crowd.
- Q. Did you see any stones thrown?
- A. Yes; a great many.
- Q. Who were they thrown by?
- A. The mob.
- Q. At whom were they thrown?
- A. The military.
- Q. Did you receive a blow from a stone?
- A. Yes.
- Q. Whereabouts?
- A. Just below the eye.
- Q. Did you ride towards the Quakers' meeting-house?
- A. Yes, sir.
- Q. Were there many of the mob collected there?
- A. Yes, sir.
- Q. Did you see whether the mob had got possession of the yard of the Quakers' meeting-house?
- A. Yes, they had.
- Q. Were there any stones thrown there?
- A. Yes.
- Q. Was there any shouting among the mob there?
- A. Yes; a great deal of shouting.
- Q. As you was riding towards the Quakers' meeting-house, did you see a pistol fired?

A. I heard it fired off.

Q. Out of the meeting-house yard?

A. Yes.

Q. Did you see any other pistol fired?

A. Yes; on the left hand side the ground.

Q. Did you see any of the Manchester Yeomanry near the place where the pistol was fired?

A. Yes, there were.

Q. Did you see one of the Manchester Yeomanry about this time, getting up to the Quakers' meeting-house?

A. Yes.

Q. Was it at that time the pistol was fired?

A. At the time the pistol was fired out of the meeting-house yard.

Q. Did you see whether this man was surrounded?

A. Yes.

Q. By whom?

A. By the crowd of people—the mob.

Q. Did he fall from his horse when the pistol was fired?

A. Yes, he did.

Q. What became of him; was he got away?

A. He was conveyed away by three or four more of the Yeomanry.

Q. Did you ride from thence towards the middle of the field?

A. Yes, I did.

Q. Do you know a person of the name of Muschamp in Capt. Carpenter's troop?

A. Yes.

Q. Did you see him there—one Thomas Muschamp?

A. Yes.

Mr. Justice Holroyd.—That is nothing; there is no occasion to take that down.

Q. Did you afterwards join your troop?

A. Yes.

Q. Did you find that any of your horses were cut or hit?

A. Yes; many.

Cross-examined by Mr. Evans.

- Q. Where was you when your horse received a blow on the head?
- A. Within ten yards of the hustings.
- Q. At what rate did you go?
- A. Walked.
- Q. Did you hear the word of command given?
- A. I believe I did.
- Q. Did you hear Colonel L'Estrange give any orders?
- A. No; I did not.
- Q. What was the word you heard?
- A. "Front, forward."
- Q. You was in very great danger when your troop were divided?
- A. Yes; we were.
- Q. You felt very much alarmed I suppose?
- A. No; not much alarmed at that.
- Q. You did not?
- A. No.
- Q. You said nothing and did nothing to the people, as you went along?
- A. I did my duty.
- Q. What duty?
- A. I was ordered to disperse the people.
- Q. How?
- A. To ride about where they were.
- Q. What did you say to them?
- A. I wished them to be going.
- Q. That was what you all did?
- A. It was all I did. I did not take notice of the other people.
- Q. You did nothing but ride up to the people, and say "I wish you would be going"?
- A. That is what I did.
- Q. You say you was walking, when your horse's bridle was cut?
- A. Yes.

Q. Was you in the midst of the crowd?

A. Yes.

Thomas Barnes sworn: examined by Mr. Sergeant Hulbeck.

Q. I believe you was a sergeant in the Manchester Yeomanry, on the 16th. August, 1849?

A. Yes.

Q. Attached to what troop?

A. Captain Withington's troop.

Q. Captain Richard Withington's?

A. Captain Richard Withington's.

Q. One of the defendants?

A. One of the defendants.

Q. Where was your troop stationed in the early part of the day?

A. We were ordered to Knott Mill to join the 15th. Hussars.

Q. Did you do so?

A. We did.

Q. Knott Mill is on the road leading to the barracks?

A. From the barracks leading to St. John's Church, where we were stationed all the forenoon, near Byron-street.

Q. Did you finally join the 15th.?

A. We did.

Q. Was the Cheshire regiment also there?

A. I believe two squadrons of the Cheshire.

Q. Where was Major Trafford — was he there?

A. He commanded one squadron in Portland-street.

Q. They were not with you any part of the forenoon?

A. Not till we came on the ground.

Q. How long did you remain at Byron-street?

A. A considerable time; from the early part of the day, till about one o'clock.

Q. Was Captain Withington with you the whole of the time?

A. Yes.

Q. Do you remember Colonel L'Estrange getting some note?

A. No; we were on the left.

Q. When they matched away, was it with Colonel Dalrymple?

A. We followed the 15th., and the Cheshire followed us. We went with the 15th. as one of their troops.

Q. They had the advance?

A. Certainly; they were in front.

Q. The next was your's, and then the Cheshire?

A. Yes; but they did not follow for several minutes.

Q. You went close up with the 15th., as one of their troops?

A. Yes.

Q. When you got on the ground, where was Major Birley's troop?

A. We could not see them; they were among the crowd; there was a very great dust; I could only see the glittering of the swords.

Q. When you got up, did Captain Withington go with you?

A. I was his covering serjeant.

Q. When you got to the ground, was that the first time Captain Withington had been with you?

A. He never left the troop that day.

Q. After that you moved forward with the 15th.?

A. Previous to our going on the ground, we went on from Mesley-street, where the ground was very rough—I was on a bank; the bank gave way, and I and my horse fell. I got up and went after Captain Withington.

Q. Was it possible for Captain Withington to have been in the crowd before you overtook him?

A. There was a momentary separation.

Mr. Justice Holroyd.—Could he have been with Major Birley's troop?

A. Certainly not; Major Birley was a long time there before him.

Mr. Serjeant Hullock.—That is the case on the part of the defendants.

MR. BLACKBURNE.—Gentlemen of the Jury; it now once more becomes my duty to address you upon this occasion, and a painful duty it is to me; for after five long days spent in the investigation of it, you must be perfectly sure, that it will take me some time, at least, and I must therefore beg your patient attention to such observations as I have to offer you on the subject, to give you what my impressions are on the evidence which has been laid before you. But I promise you I will do it as shortly as possible, and with as much brevity, as I feel consistent with the duty I owe my client, and the duty he expects I should perform for him. It has been said by my learned Friend, that at length the time has come, when he shall repel, with scorn and indignation, all the calumnies that have been cast upon the Magistracy. I know not of such calumnies; I know not of such imputations; but if such calumnies or if such imputations have been cast upon them, who have been called to rebut any one of them? The Magistrates themselves! Have you had a single witness from one end to the other, except the Magistrates themselves, except the special constables who were engaged on that day, to prove any facts that could be any justification on earth for the Magistrates, if they had ought to do with this. If the Magistrates thought, if the Vicar of Rochdale thought, it was a riot to carry a banner into the field where the meeting was

held, if it was right to hold such a meeting, it became the bounden duty of the Magistrates to interfere and prevent the meeting from increasing. They had ample power, for they were there early in the morning; they knew of the state of the country; they knew of the training, they knew of the drillings, for they were as notorious as the noon day sun, every body knew of them, every one knew of the drillings on White Moss and Tandle Hills, for the spectators were ten times as numerous as the persons concerned in the exercise; they knew of all these things; they knew of the consequences that were likely to result; at least, they had as good a right to suspect that Manchester would be laid in ashes by men who had been drinking to the immortality of Garibaldi, and the political opinions of Henry Hunt, while they were inflaming their bodies and heating their brains with the ale of Manchester. Did not the Magistrates know that these people were to meet together? If they had these impressions of the tendency of the meeting, which they say they had, it was their duty to have prevented it. Did they do so? No: one of the Magistrates tells you that the object of the meeting for which there was a requisition transmitted, was legal: and so it was. Did the persons intend to do any thing illegal? No; they did not. Why do I say so? When it was said that the proposed meeting for the 9th assumed an illegal character, by having been convened for an improper purpose, did they persist in holding that meeting? If they had been actuated by the intention ascribed to them, why did they not persist? If their intentions were to sack the town of Manchester, and lay it in ashes, they might as well have met on the 9th; they might have treated with contempt, any endeavour to prevent them. Why did they not? Because they were resolved to do nothing that the Law could impugn, nothing but what was strictly legal, and right. When they heard that the object of their

meeting was improper, they changed the nature of their requisition; they changed the object of their proposed meeting, to the consideration of that which they had an unquestionable right to discuss—the question of a reform in the Commons House of Parliament. Upon this they had a right to meet and to deliberate, even if their views extended to the mad doctrine of Universal Suffrage and Annual Parliaments. Mad as those doctrines are; they have had for their supporters, men as of high rank and as of great and splendid talents as ever adorned the country. Mad and insane it is; but it is the principle of the constitution; it only fails in the practice. We are all supposed to have a voice in Parliament, and those who wish us to have an actual representation; need not be considered as mad or insane. But it is said, why not meet in a private house, as it is stated Mr. Earnshaw and his friends have done, and there deliberate upon and draw up their petitions for reform. My learned Friend himself has given the answer. Their petitions would have been read, laid upon the table, and never more heard of. The people of Manchester wished to have their petitions more effectually attended to. They thought that when a great body of the people met to petition the Commons House of Parliament for reform, they were entitled to be heard. They thought that when 100,000 of the inhabitants of a populous district were peaceably and legally assembled together, (and you will remember that the numbers collected in St. Peter's Field have been estimated at that amount,) they, at least, were justified in calling the attention of the House of Commons to what they were doing. The great body of the people considered that they had an undoubted right to require, to request, to demand, to be represented. They knew that their private petition for reform in Parliament would be laid on the table. I say, their object was legal; their requisition was legal.

Then what did they afterwards do to make either legal? They came to the field on which they had appointed to meet—how?—like a parcel of stragglers? If they had come without any order, we should have heard it said, “no man can pass the road, for these radicals are blocking up the road.” They came legally summoned together, all having the same legal purpose—to petition for reform. They came, it is true, distinguished by banners; but for what were these banners adopted? Why was each division accompanied by a banner? For no other reason, than to keep the different parties together; and that those who had assembled under them originally in the morning, might assemble under them again on their return home; for many of them, you will recollect, came from a distance of twelve miles. I admit that some of the banners had inscriptions on them, which were the most absurd that ever were put on any banner; yet the sort of exaggeration to be found in them, does not peculiarly belong to people in their order and condition of life, but, equally, to those who are of a much superior cast in society. When therefore they say on their inscriptions, “equal representation or death,” no one can suppose that they mean to have it inferred that they insist upon an immediate representation on the principle of equality, or that they will die, if they do not obtain it. What they mean to say is, we wish for equal representation; we are entitled to it, we ought to have it. Just so with regard to the inscription of “liberty or death.” Who is there who would not prefer death, to living the life of a slave? Then again there is the inscription, “let us die like men and not be sold like slaves.” I agree that all these are very foolish things to have inscribed on banners, but the question is not, whether they have acted in an absurd manner, but whether they have done any thing illegal. I say that previous to their being disturbed by the

advance of the Cavalry, out of the fifty-one witnesses they have called, and the thirty-nine I have called, you have not heard any one person, who, previous to the attack of the Cavalry upon them, has spoken of any one single act of riot on the part of these people, except the vicar of Rochdale, who considered the carrying the banners an act of riot. Numberless have been the persons who have talked about terror and alarm; almost all the special constables were alarmed. The witness Mr. Read told you, he too felt terror and alarm; but his terror and alarm were not sufficient to repress his curiosity. He forced his way through the crowd, met with no obstruction, violence, or insult; and yet I will say, a more gentlemanly looking person, or one better dressed, is not to be found. To him nobody said "we will get rid of those white neck-cloth men." Nobody said to him, as they did to Nadin, "Joseph, thou hast a large belly, and feedest better than any of us." And this, I believe. What then has occurred to give to any of their acts an illegal character? If these banners are to give it its character of illegality, I say, and I say with confidence, that it is only those who were aware of their object, and of their meaning, and tendency; those only whose acts render the meeting illegal, who are guilty of any crime; and not those who, not attributing an improper meaning to the inscription, came upon the field only for a legal purpose. It is not to be said, that because Mr. Read has been at this meeting, that therefore he has been guilty of any offence. My learned Friend has said, that it was a rebellious and treasonable meeting, that he would show it to have been so, and that all persons who attended it were guilty of treason and rebellion. Yet we have Mr. Read, who was in the midst of this meeting, in the midst of all this treason and rebellion. Was he, whose curiosity so far exceeded his fears and alarm, guilty of treason and rebellion?

You may have heard, but lest you should not, I will state it to you, what was said by the learned Judge who presided at the trial at York. He said, "it does not follow that those who, having no lawful authority, but influenced by mere curiosity alone, attended a meeting of an illegal character, were guilty of an offence. It was those only who had guilty intentions. It is the very essence and first principle of our law, it is one of its fundamental principles, that no act renders a man guilty, unless, in the commission of that act, he has some criminal intention." There is no act, if you separate from it the criminal intention, that will make a man guilty. There are some acts, from the very nature of which you will infer guilt; such as striking a man with a sabre, and cutting him down. What other object could a man have, but to destroy him. But when a man attends a meeting to inquire the best means of procuring a reform in Parliament, he attends it for a purpose which is recognized by the law; he is in the exercise of a right, immemorially enjoyed by Englishmen; it is a right of which he can never be justly deprived. And, consequently, if any man went to St. Peter's Field, to exercise that right, with an innocent intention, no act of other persons could make him guilty, unless he remained there after some illegal act had been done. If the plaintiff came from Middleton, bearing the banner of his party, with intentions perfectly innocent, (and we have no evidence that he bore a banner with any inscription at all,) I say, if he came upon the requisition, upon the request of his fellow townsmen; if he came in a quiet and peaceable manner, for the attainment of a legal and constitutional object, he is guilty of none of the things charged in these pleas, and there could be no right in any one to sabre him. I will go further. If he had been guilty, if he had been there with a guilty intention, no one had a right to sabre him. Take him up and try him. What, if the

person who had cut him, had cut off his head! If he was justified in touching him at all, he was justified in striking his head off. What evidence is there that he was implicated at all in the proceedings of this meeting? Who have proved his drilling? Two men who came from Stake Hill, who proved that they saw him drilling. My learned Friend said would prove, not only that he was drilled, but that he was a driller of others; all he has proved is, that he was marching about. It appears, therefore, that at the place where the plaintiff was, nothing illegal has been done. Let us see what Mr. Justice Bayley lays down about these drillings. He admits, as every body must, that they may be for legal or illegal purposes. At a trial at York, arising out of this very transaction, that learned Judge, in his address to the Jury, says—"according to the evidence for Bamford, the people in his party, so far from being tumultuous, were peaceable and joyful; and the drilling, as it was called, so far from being illegal and nocturnal, was open and innocent; the only object being, merely to enable the people to attend the meeting, as conveniently for each other and the public, as was possible." Supported by such high and eminent authority, I say that if the drilling was done for the purpose of simply enabling them to attend at that or any other meeting, it was lawful for them to drill on, in any manner they pleased. It must not be forgotten that there is such a thing standing on the Statute Book as the Bill of Rights; that drilling is legal *per se*, and that to petition Parliament is legal. We have all read our Bill of Rights. I will read a passage from Mr. Justice Blackstone, on the subject. He says—"to preserve those rights from violation, it is necessary that the Constitution of Parliament be supported in its full vigour, and limits certainly known be set to the Royal Prerogative. And, lastly, to

vindicate these rights, when actually violated or attacked, by subjects of England are entitled, in the first place, to regular administration and free course of justice in the King's courts of law; next, to the right of petitioning the King and Parliament for redress of grievances; and, lastly, to the right of having and using arms for self preservation and defence. Now, if they have a right to have arms for self preservation and defence, they have a right to know how to use them. I have to defend my client from no such imputation; he was not learning the use of arms — his was merely walking backwards and forwards, acquiring that habit which would enable him, with less trouble, to attend at this meeting, where it was to be proposed to agree to petition Parliament, in order to obtain a redress of grievances. I say that these drillings, which are stated in the pleadings to have been clandestine, are proved by the witnesses to have been no such thing; and not one single instance of illegality has been shewn, except as far as may have been proved by the extraordinary testimony of Murray, Shawcross, and Haywood; all of them speaking as to facts which are capable of explanation. If these drillings had been considered illegal, would there have been the numbers present who were proved to have been there? It appears there were not less than 2,000 or 3,000 assembled, out of which not more than 800 were drilled. These were divided into companies of from fifty to eighty in a company, and there were eight or ten companies. How did they drill? By the sound of the bugle, to let every body know what they were doing, and that all might see and hear what they were about. Colonel Keymer was attracted by the sound of the bugle. He went to see the drilling that was going forward, and he saw many who had been in the local militia. There was nothing secret or clandestine in their conduct. On the contrary, as they marched past him they jocularly observed,

"you see, Colonel, we can march still: we shall soon be able to teach you to march." Was there any thing secret in this? Col. Keymer had gone publicly and openly, and he received no kind of insult. With respect to the other drillings that took place, they are no where stated to have been for any other than a legal purpose. What do Murray and Shawcross prove? They go sneaking about, seeking what they should do to ensnare these people, and how they might take advantage of some of their unguarded acts or expressions. The people had heard, for it seems to have been a general opinion, that spies were about, anxious and ready to catch at every word that could be turned against them. That is a fact I think my learned Friend has proved. You cannot have forgot that a person was sent by a Magistrate in order to watch these drillings, and who for the information he gave, was afterwards received into the Police Office. What he speaks to, turned out to have been mere idle conversation. They told him the most impossible things—that they were setting off for London, and that they intended to take every person's property as they went. He had told you that all this was said by a person who was standing by, and that it was by such measures they meant to succeed in the great cause of reform. Upon his cross-examination, he was asked, "was he a driller who said this?" No. It turned out that it was said by a spectator, with whom he was, by accident, conversing. Nothing can be collected from this loose conversation, to the prejudice of any of those who attended the meeting at Manchester. Then with regard to what was said by Shawcross and Murray; when they were standing by, Murray was asked where he came from, and he said he came from Middleton. "No," it was replied, "you come from Manchester. Upon their finding him out in this falsehood, they treated him in a way which I cannot justify; but surely, all our pity is not to be expended upon Murray and Shaw-

cross; some is due to those unfortunate persons who were sabred. There was Haywood who was also beaten, and who said it was because some man had quarrelled with him for legging him. Is it to be taken as any proof of guilt on the part of those who attended the meeting at Manchester, that this man had been beaten, having quarrelled with another who said he had legged him? I say that no man living would convict any one who attended the meeting, of having acted illegally, upon evidence of this sort; and if you are not prepared to say that the persons who attended the meeting have been guilty of an illegal act, neither can you, upon these issues, say that any of them ought to be found against the plaintiff. But I say further; that if all these issues were found against the plaintiff, if they had made out every one from the beginning to end, still my client is entitled to his verdict. I say that, according to the evidence as it now stands, it appears that a man, who is proved to have been Oliver, rode after him, as he was carrying a colour away, and struck him down with his sabre. I say that if a person is guilty of the worst breach of law that could possibly be, he is not, by law, to be cut down, unless he is first called upon to surrender, and means have been unsuccessfully tried to secure him. The party pursuing him must first endeavour to take him, before he strikes him; and if his object was not to take him, but his flag, I say then he is justified by no law whatever; and, therefore, as to Oliver, the plaintiff must have a verdict against him at all events. But, Gentlemen, let us see how it affects the rest of the defendants. Let us see whether they were acting in aid of the Magistrates. They were to obey—what? The command the Magistrates gave them. What was that? On the face of the warrant, they were to do nothing but take a certain number of persons, from whom was apprehended great disturbance, and, therefore, they were to be taken. I say, after they had performed that

duty, they had then done every thing the Magistrates commanded them, and it was their duty to have returned. Instead of that, what do they do? Mr. Tye, tells you, (and my learned Friend himself admitted Mr. Tye was a fair witness,) he tells you he heard, as soon as the Cavalry came up, "have at the flag," and they had at the flag immediately, and after cutting right and left they were taken. Had you not two special constables, who came up, and boasted they had taken away a cap of liberty, and then two flags? Had they any authority to do that? Why take away this cap of liberty? My learned Friend says the cap borne before the crown is the cap of maintenance. But it is borne before the crown to shew the maintenance of what? The maintenance of the rights and liberties of the people of England. And it was, and did lately form a considerable figure with Britannia, on the coins of this realm. It has indeed now been removed; and I suppose, now, that every person who bears a cap of liberty will be supposed a treasonable person, and to have treasonable intents; and if he gets into the company of Hunt, he is to have every thing of Hunt's life raked up and proved against him, and by it he is to be affected. Aye, and things even that Hunt did not do, he is to be affected by. If he once appears at a meeting for reform, or bears a flag for equal representation, or a banner and cap of liberty, then he is to be stigmatized as being no longer worthy the protection of the law, and any body of soldiers may go in upon him, trample him down to the ground, and cut him to pieces. Such is not the law of England; and such, I trust, it never will be; I trust you will never sanction, by your verdict, such an imputation. I trust you will find there is not one word of contradiction that this person has been cut by a man, whose object was to take his flag from him; for if his object was merely to take his person, he ought to have called on him to stop, he

ought to have done all he could in pursuance of the warrant. He had no warrant; the warrant, such as it was, was executed before this took place. I say, that after the warrant was executed, it was the duty of those persons to have returned again to their station, to have left the field, until the Magistrates found out that the flags were illegal; and not of their own authority, to have gone out of their way to have taken the flags, or, if they could not take them, to cut down the holder. Gentlemen, I have been led rather into this train of remarks by what fell from me originally, as I was going to comment on that which my learned Friend at first set out with; namely, that the Magistrates came here to justify their own characters. I say they would much better have justified themselves, if, believing such a meeting as this was about to take place, which was to have such consequences, they had prohibited the meeting from taking place. They did no such thing. Under their own eyes, various parties came up with these, which they believed, illegal banners unfurled; under their own eyes, one after another, they came. None of them were told they were doing any thing illegal, none of them were informed their conduct was bad in that respect, until the whole got together; a concourse of people, to the amount of between 80,000 and 100,000,—consisting of whom? Of men, women and children; for as you have heard from a vast variety of witnesses both on the one side and the other, a great number of women were present; and, as you have heard from witnesses on our side, a great number came dressed in white, and bore the flags. I say, if they had thought this meeting was illegal, if they had thought it was necessary to disperse it at all events, aye, even by the edge of the sword, they ought not to have permitted it to begin; that their duty and business were, as soon as they saw it was a meeting of illegality, to have prohibited it. But I say still further, that when once it did assume that character,

which they fancied it ultimately did—if it assumed that character of illegality, they ought to have had the whole of the military ready, they ought and might then have gone with that sufficient military force which they had around the place; they might have publicly read the riot act, they might have gone up with this body of soldiers, and read it, and given notice, and they might have seen whether the people would disperse or not. If they did not, then let them use such power of dispersion. If they had done so, we should never have heard of the events of that unfortunate day. As to the reading of the riot act, I never, in my life, heard any thing so disgraceful to the person who is said to have read the riot act; I never, in my life, heard of any thing so disgraceful. Read the riot act out of a window! Had he ever attempted to read it any where else? No; he went down stairs, and because his servant was not there ready with his horse for him to mount, he did not think fit to give himself any further trouble. Did any man living hear it? Who has been called before you to prove he heard it? No man except the Rev. Mr. Hay; no man living except the Vicar of Rochdale; nor has any one single person in the room, any one single gentleman who formed part of the committee of Magistrates, been called on to say that he heard it. But was it heard by the persons outside? When was it read? At the time when the Cavalry were forming under Mr. Buxton's house, when the clattering of their horses' hoofs, and the ringing of their own swords, would prevent any body from hearing it; and so effectually did it so, that Mr. Stanley, who was in the room above, and was paying particular attention to every thing that passed, heard not a word of it, and M'Kennell, who was standing on the steps below, heard nothing of it, though equally attentive to all that was going forward. You have heard from Mr. Hulton that the crowd was at about half — about fifty yards distance

from the window of the Magistrates' house, and that there were a great number of spectators and stragglers in the intervening space between Mr. Bunton's house and the crowd. Was it possible then for them to have been aware of this proclamation of the riot act? Let us see what it is that the riot act says shall be done; let us see whether any thing directed by that act has been followed in this instance. Then there is the lame attempt to bolster up this evidence, as if Colonel Silvester had gone out to read it, and had been knocked down and trampled upon. If he had, where is Colonel Silvester? Why did not he come, the best of all witnesses on that head, to prove it? Instead of that, they trail a person who tells you he saw Colonel Silvester in the room; that he saw many of the cards on which the riot act was printed; that he saw Colonel Silvester take one up, leave the room for a short time, and come back again with a dirty coat. How he got his coat dirty we know not; but Colonel Silvester could have told us, if they had pleased to call him; and I am sure that no expense has been spared in calling witnesses; in having a number, not waiting whether they served their purpose or not; and if Colonel Silvester could have proved he attempted to read this riot act, then, indeed, would Colonel Silvester, among the rest of the Magistrates, have appeared before you; for I rather suspect he is one of the persons also who signed the warrant. Have the goodness to let me look at the warrant?

The warrant was handed to the learned Counsel.

Here is his name; he is one of the persons. Could he not have been called before you to shew whether he had read the riot act or not? Why was he not? No; it was well known that no such thing had taken place. Colonel Silvester does not come, but a person comes who sees the proclamation in the room, and sees Colonel Silvester go out and come back

again; and from thence, an inference is to be drawn that he had been out attempting to read the riot act. How is it Mr. Ethelston does it? He goes down stairs, his servant happened to have gone away with his horse, he would not send back for him, he had quite enough of it, and he goes to the window, and, it appears, for aught there is to the contrary, that the riot act was never read, except to Mr. Hay. The act requires, when twelve or more persons are unlawfully, riotously, and tumultuously assembled, that any justice or other head officer where the assembly shall be, shall cause them to disperse themselves and peaceably to depart, and if they shall remain after such proclamation to depart, it shall be adjudged felony without benefit of clergy. And then it shews how this is to be done; "the justice of the peace, or other person authorized by this act to make the said proclamation, shall, among the said rioters, or as near to them as he can safely come, with a loud voice, command, or cause to be commanded, silence to be, while proclamation is making; and after that, shall, openly and with loud voice, make or cause to be made, proclamation in these words, or like in effect." Then follows the proclamation. "And every such justice and justices of the peace," &c., "are hereby authorized, impowered, and required, on notice or knowledge of any such unlawful, riotous, and tumultuous assembly, to resort to the place where such unlawful, riotous, and tumultuous assemblies shall be, of persons to the number of twelve or more; and there to make, or cause to be made, proclamation in manner aforesaid." And then the persons so assembled, if they do not disperse themselves within an hour, "it shall and may be lawful for every justice," &c. to do what? "to seize and apprehend, and they are hereby required to seize and apprehend such persons so unlawfully," &c., "continuing together, after proclamation made,

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and forthwith to carry the persons so apprehended before a justice of the peace. And if the persons so unlawfully and tumultuously assembled, or any of them, shall happen to be killed, maimed, or hurt, in the dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them, by reason of their resisting the persons so dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them, that then every such justice shall be indemnified." But what are they first to do? What was the object of reading this riot act, but to render the attack which was about to be made upon the people justified by the reading? It could be for no other object. What was it their duty to do, if they wanted to take the rioters? Their duty was, to have endeavoured to take them. Gentlemen, I say that the reading of the riot act, in the manner it has been done in this case, did not form any one ingredient of justification to these persons; that they could not justify the killing, the maiming, the wounding, of any one person; for the riot act ought to be read, or be known that it has been read, by the persons met; and no man, such is the law, no man shall be guilty, at least, of a capital felony, if he knows not that he has done wrong. And how can he know he has done wrong, unless he has some notice that the riot act has been read? I say that the riot act is totally out of the question; and it will result from that, whether or no these persons or any of them, were mixed together. Have we not proved that Captain Birley was present by a number of their own witnesses? Have we not proved that Captain Withington was there? Not at the first time; but the person last called has not disproved that which Davenport represented; namely, that he and five others were under an archway; that Withington presented a pistol and compelled them to come out, and endeavoured to cut at them as they were going out. I say, that if he had the inten-

tion of cutting at them for the purpose of dispersing them, when they had done no unlawful act, he is liable; for I say, that up to the dispersion by the Cavalry, there is no one person who has spoken to a riotous, tumultuous act, except that sworn to by the learned Chairman of the Manchester Sessions, namely, their coming together with these persons. And if he knew that it was a riotous and tumultuous meeting, he ought to have prevented it from proceeding. He ought not to have permitted these hundred women and children to have got together. If he did, he ought not then to have sent the military. But I cannot believe any body was wicked enough to hope these persons would be killed. But what is the almost necessary consequence of sending a troop of soldiers among a number of people, who, be it known, from first to last, are stated by every body to have dispersed in so wonderfully short a time, that it seemed as if done by a magic wand? What does Mr Hulton say? That he believes from the time of the advance of the Yeomanry to the dispersion, not up to the complete clearance of the field, was not more than eight minutes; and in that, he confirms what Mr. Stanley said, who was standing in the window above, and saw every thing as clearly as any body, and he swears that there was no more than seven or eight minutes from the time of their setting out, to the time of the ultimate dispersion. It was said by my learned Friend, in the opening of his case, that all my witnesses were witnesses who largely entered into the feelings of the prosecution, or had a latent interest in parliamentary reform. Surely he could not have known who were the witnesses he was about to call himself, or he would not have made the observation: for you cannot find any one witness, that has proved any thing at all material to this case, who was not either implicated in it, as a Magistrate, as a Yeoman, or as a special

constable, or as a person engaged in the dispersion of this meeting; you will not, I say, find one single witness from the beginning to the end, who does not indeed largely enter into the feelings of the parties in this case. Mr. Hulton openly confessed he did feel a considerable interest; as nobody could possibly doubt. I don't blame him for feeling such interest, but I say that he is not a more respectable witness than Mr. Stanley. I say that no man's feelings were less inflamed than those of Mr. Stanley. Mr. Stanley had no feeling upon the subject, except of reprobation of the meeting that had taken place. Mr. Stanley thought the meeting an improper one; and he therefore came with feelings, if he had any at all, on this subject, wholly unprejudiced as to the side against which he was giving evidence. Have you forgot the numberless other witnesses that I called before you? Surely you cannot; they are not all to be obliterated by the three days' evidence on the other side, consisting of information, of hearsay, of evidence that has a tendency, to what, I hardly know, but to some secret conspiracy that they say is on foot, that has no open, plain, matter of fact tendency at all, but is something to justify the Magistrates in the conduct they had been pursuing. My learned Friend told you that George Burgess had given his testimony in a plain and intelligent manner, and he would give him credit; what he said was, he went up with the rest of the Yeomanry. Was he assailed by any stones? Did he say any such thing took place, till they had got to the hustings? No; they had surrounded the hustings; and he says, that in a few minutes after, the stones were flying in all directions. No doubt they were. I say, that after that time, that after the attack made upon them, the people had a right to meet it with every resistance that laid in their power. After that attack, I say, they had a right to turn round, and repel it. The meanest reptile that

creeps on the earth, when trod upon, will turn again; and if these people were hemmed into a corner, trampled upon and sabred by the soldiers, they had a right to make use of any missile in their way, of any thing they could get, to resist their assailants, and to divert them from their purpose. Are the numberless witnesses that I have called before you in this respect, who say that no attack was made on the military till they got beyond the hustings — are they to be totally and entirely forgotten? Had they not means of observation, full as correct as those called on the other side? Had not Mr. Stanley as good means of observation as any person could possibly have, in Mr. Buxton's house? Had not the person who was standing on the steps below, the same means of observation? Had not Mr. Earnshaw and Mr. Wood, who were in the second story of a house within forty yards of the hustings, and near Mr. Buxton's—had they not means of observation? Had not Mr. Hindmarsh, who was walking about the field—had he not means of observation? Had not Mr. Preston, who was standing at some distance, but who saw every thing that passed at the Quakers' meeting-house—had he no means of observation? And then it is imputed to Mr. Shuttleworth, that because he had something to do with the committee to relieve the persons sabred on this unfortunate day, and because he thought that reform of Parliament would be a good thing, that therefore his evidence is to be neglected, and to go for nothing. I say a man may righteously wish for parliamentary reform. I wish for it, for one, and I will publicly proclaim it; but I hope when I get into a Court of Justice, it will not be said, I am not a credible witness, because I have made such a declaration. I expect and trust I shall be supposed to be as credible as a person of the known and well-tried loyalty of my learned Friend. And I think Mr. Shuttleworth gave his evidence, under the severe cross-exami-

nation to which he was subjected, as correctly, plainly, distinctly, and openly, as any man in the world. What did he tell you? That he saw the sabres of the Cavalry moving up and down before they got to the hustings. He did not see any body cut. Have I produced no body who was cut? Was nobody cut? Was there nobody in the world that was cut? If you had known nothing of this, and taking up the witnesses for the defendants, you will find that except the Yeoman who was knocked off his horse with a stone, except the one who was shot with a pistol, and has since revived, not one of the Yeomen was hurt at all, except one man who was struck with a stick on the thigh. Where have all the witnesses come from, who prove that they found all these sticks? Is one stick produced? Not one: they got them altogether, and they might have produced and shewn us some of these formidable instruments. Not one is produced. As to the locking of arms, not that I think it matters the snap of my finger, how they were locked, every body knows that it was a means of preventing the hustings from being knocked down; that it was necessary for those of the first or second row to have formed in locked arms. And what did Mr. Garnett say? That a little before Hunt came, he went through them on the side of Mr. Buxton's house. Did he see any locking? No; they were then open. But every witness you have heard on the part of the defendants, among them Mr. Hulton, saw it before. I don't doubt he did. I don't impute any thing to Mr. Hulton. I will now say that, in my opinion, Mr. Hulton gave his evidence upon that point, and every other, as fairly as any man I ever heard in a Court of Justice; and on whichever side it turns, when I consider the part he took in the transaction, I for one will never be the person to say, he did not, when, in my conscience, I believe he did, act to the best of his judgment. How it was he was induced to give this command to the Cavalry I know not. He might have been

misled either by his sight or by his feelings : he might have been perhaps afraid, from the knowledge he had previously formed, from the various informations that had been laid before him, he might have supposed that more injury would have arisen to the military, than ever did arise to them ; and, on that account, he might have imagined that the Yeomanry were in greater danger than they ultimately turned out to be. Has there been a person called who saw a Yeoman hurt ? There is no one hurt called from the beginning to the end. It all rests on the evidence of persons who happened to be standing about, who cannot know half so well as the man himself, whether he was struck or not. Have not all these persons told you, have not, as my Friend called them, this bead-roll of witnesses, proved, that they were anxiously watching for every thing ? Have not Mr. Hindmarsh, Mr. Preston, Mr. Greg, as respectable persons as any that live in Manchester, who saw the whole of this, who had no interest, who were standing on a rising ground, told you that they saw no resistance whatever offered to the Cavalry, or any thing happen to them, till they began to take away the flags ; and then, I say, the persons were justified in resisting them. They had no authority on the face of this warrant, whether it is good or bad, except to apprehend these persons and bring them before the Magistrates. They went in aid of the civil power, to do that which the Magistrates commanded them ; not to have at the flags when they came near them, not to assault the persons about there, not to wound or maim them ; but, with as little violence as possible, with as little harm as possible, they were simply to go in pursuance of their duty, and take the persons designated in the warrant. I say the warrant contains no offence, on the face of it, which justifies them ; that it is simply a warrant to take up certain persons therein named, because now, at a quarter past one o'clock,

they had arrived in a car at the field near St. Peter's, and that an immense mob had collected, and that they considered the town in danger, because some persons, Moorhouse, Johnson, and Hunt, had arrived in a car at the hustings. I say the warrant did not justify them in taking up these persons.

Mr. Justice Holroyd.—It justifies the persons to whom the warrant is directed, and those who are to aid and assist them. Whether it constitutes a sufficient warrant in law, would be a question that could only affect those who granted the warrant.

Mr. Blackburne.—If the warrant is bad on the face of it, it conveys no power to any one to do any act.

Mr. Justice Holroyd.—The statute of the 24th. Geo. 2nd., which has been referred to in the course of the proceedings, is express that no action shall be brought against a constable, or any person acting in his aid or assistance, in the execution of a warrant, unless they disobey the instructions of the warrant; and if such persons be made defendants with the justice, such persons are to be acquitted, where they act in obedience to the warrant.

Mr. Blackburne.—If the warrant contains in itself any thing that would justify the seizure at all, then I admit what your Lordship says; but, however, I care nothing about it; I care not whether the warrant is good or bad.

Mr. Justice Holroyd.—I am not giving any opinion on the warrant; I am only stating its operations as to the person to whom it is directed.

Mr. Blackburne.—Gentlemen, I will not dispute any question of law here, before his Lordship. If there are questions of law, they may be disputed hereafter. I care not whether the warrant is good or bad. I care not whether they were acting in execution of the warrant or not. The wound inflicted on this plaintiff was, at all events, done after the ex-

cution of the warrant, and the persons who were acting in execution of it had, at the time, done all the warrant required, and they were no longer acting under it. They had no longer any command of the Magistrates, they had no longer any power to act, and they were no longer justified. Their power had expired when they had done what they were commanded to do, and then they were not justified in either using a sabre, or any instrument much less likely to occasion death than a sabre is. But, as I was remarking to you before, upon the question, whether any attack was made upon the Cavalry in their way up to the hustings, have they not furnished abundant negative evidence on the part of the defendants themselves? Have they not, in addition to all the witnesses I have called before you, shewn, by their own witnesses, no such thing could have taken place. Where was Mr. Andrew? Where was Mr. Moore? Where was Mr. Nadin? Why they say they went up with the Manchester Yeomanry. Nadin says he was behind the Manchester Yeomanry, all the way, to the execution of this warrant. Have they proved that any resistance was offered before they went to the hustings? No. Nadin does state that one stone was thrown, which hit a man on the arm, when he was at the hustings; but the other two have not stated one single instance of resistance on the part of the people; and they went up immediately behind the Cavalry. I say they furnish negative evidence of a most important kind, against the allegation that any act was done by the persons crowded together, before the Cavalry got up to the hustings. Gentlemen, after that time, it is admitted on all hands, there was a considerable conflict, and that it is, that I think will reconcile the whole of the evidence in this case, of the number of persons who have sworn that they had seen stones flying. Mr. Hulton himself states, he would not take on himself to say, whether stones were thrown before or after the Cavalry had

got up to the hustings; and he would not pledge himself, at that distance of time, to say it was before they had actually got up there. He thought, and the impression on his mind was, that it was before; but he would not be positively sure. He was quite sure he saw nothing of the sort till they came within a short distance of it, and many of the witnesses called before you, say it was when they came within, some say twenty, some thirty, some fifty yards. But as to the manner in which they went up, every body admits that they went up with quick speed; that they went up in a manner which would induce people to give way; in such a manner as that they would have trampled upon them if they had not. What was to be done? How could they be got away when every body that ever saw a number of people, that ever saw people coming out of church, will wonder how it was possible that a number of people to such an immense amount, could be got away within so short a time. When some of the Cavalry pressed in amongst them, there would be a waving of the multitude; and those outside pressing one way, and those in the midst pressing to get out another way, when the Cavalry came amongst them, I should not wonder the crowd was intermixed. But has it been proved to you, that any one act of violence was committed on any Cavalry man, till they got to the hustings? None but one proved absolutely, and that one by a special constable, of the Cavalry man whose thigh was struck. There are two or three other witnesses who prove the same fact, that they saw one Cavalry man's thigh cut, and only one, and this was not till they got up to the hustings. But then we are to be overwhelmed with the various speeches that Hunt has made, not only here, but at other places, and on various other occasions: and if you happened to observe the witnesses, you would see how, according to their views one could state one thing, another, another; just as it happened to

suit their purpose of stating the view they took. Some tell you there was no locking of arms. One constable said none at all ; that he was quite sure, within five yards of the hustings, none at all, till Hunt said "lock your arms fast." He had a purpose to answer ; he wanted to make you believe that all this multitude were under the influence and government of Hunt, and he contradicted one witness by saying no arms were locked till that command. That is to shew you the mob were completely under his orders. You have heard, too, of Carlile ; we have since forgotten him in the evidence ; but he was the polar star of my learned Friend's speech ; he glistened in all quarters ; he was the person to teach religion and morality. If he had been there, would not that person have made his appearance at York ? Would not Carlile have been taken with the rest ? Was he a person of such mean notoriety ? Indeed, I believe, at that time he was ; he had not, I think, at that time, burst forth into the full blaze of his glory. But I say if they had known or thought he was there, would he not have been implicated with the rest ? Would not he be proved to have been riding in a carriage ; for you have had this day evidence given before you, to make out a conspiracy, the act of Carlile riding in a carriage, with Moorhouse on the outside, and Hunt and Johnson within. You have had that given in evidence, as proving that a conspiracy, such as is stated in one of the pleas, had taken place between Hunt, Johnson, Moorhouse, and Knight, for the purpose of overturning the Government. But, Gentlemen, there are other people who had as good an opportunity of seeing what took place and were as well calculated to tell ; who had all their eyes about them, who went for the purpose of gathering the correctest information, and who all tell you with one voice, Mr. Tyas, (whom my friend declares is a respectable witness and has given his evidence well,) Mr. Garnett,

Mr. Smith, and another gentleman, whose name at present has escaped me; they all say that they were upon the hustings, that they saw the advance of the Cavalry, (Mr. Baines is the other,) and that they saw no symptom whatever of resistance, till the time when they arrived at the hustings. Had they means and opportunity of seeing? Aye; better than any body. According to Mr. Hulton's account, the resistance took place immediately on the approach to the hustings. They, therefore, would have the best means of observing. They, therefore, as far as that goes, would have the best means of ascertaining the fact; and do not they every one tell you, one and all, that they observed no such thing? Now, as to the various reported speeches of Mr. Hunt; were the gentlemen who were there for the purpose of taking an accurate account of every thing that transpired, were they asked, on their cross-examination, whether they heard any such expressions as those said to have dropped from Mr. Hunt? They had heard no such thing; they had not heard him order them to lock their arms. They were the persons who would have been able to take this down, and they were best able to give the expressions, if they were used. I say there is no imputation upon them; there is no desire they could possibly have, to give a false or incorrect account of any of the proceedings; if my friends thought that, they might have asked them what Mr. Hunt said; they might have asked them what had taken place, and they would not have had this "misleading," which he has translated into his own language. We should not have had any thing of that sort, which we are now to take from an unlearned witness. One person says he used the word "feather-bed soldiers" or "blood-suckers." If my learned Friend had asked any of these gentlemen what he had said, he would have had a correct account; and we should not have been obliged to take it, that he either said "feather-bed soldiers" or "blood-suckers;"

two things which appear to me so dissimilar, that no man could have mistaken one for the other. Gentlemen, it is a little remarkable and you cannot fail to have observed it, in the course of this cause, that no person, on the part of the Yeomanry, has been called before you; that no person said to have been hurt, has been called before you. They were as good witnesses as the special constables, they were as good witnesses as the Magistrates, and might have been called. No; they have thought better; they have chosen rather to call before you, persons who do not know so much of the transaction, as these men do. If they had been called before you, we should then have got out, whether any body was hurt or not; we should then have got out whether any body was assailed by stones or not; we should then have got out, by whom the first attack was made; we should then have got all these things; but instead of that, various other witnesses, who saw particular parts of the transaction, who did not observe the whole, are called, and not one of these other persons. They well knew if they had come, they must tell the whole transaction; they dared not conceal it. And besides, does not Mr. Hulton tell you, that there were a vast number of spectators on the field? Have they called any of them before you? Not above two or three at the furthest—not above two or three. All the persons are interested one way or other, except Mr. Read, he was a spectator, and one or two other persons; and Mr. Read tells you, along with the other persons, that he himself was so little afraid, or careful of his⁴ personal safety, that he ventured in amongst them; and he told you he did it without any fear of the consequences. Gentlemen, it is suggested to you also, and it is an observation my learned Friend admitted, that the Cavalry cheered; and he says, what! are they to be cowed and bullied? It is sworn the cheer was of no necessity; it does not shew good or ill; shouting in return

shewed as much defiance as the others shewed to them. And that cheer of defiance had what effect? It had the effect of maiming and wounding a vast number of persons, and of killing four or more whom they had ill-used, afterwards. Was just the same effect produced by the cheer of the mob?—not a single witness has shewn you it was. Some said sticks were raised up. Has any body proved one or other of the Yeomanry was hurt? Not one. Nobody has come to shew a horse was knocked on the head, or a Cavalry man dismounted; yet they tell you they said things, and that they would come forward to prove that they came with a deliberate intention of doing all the mischief they could, and yet not one single man is produced before you, who was either dismounted or hurt. What says Colonel Keymer? That when he saw the Cavalry, he began to be alarmed; till that time, he said nothing to the women and children; till the time when he saw the Cavalry had come up, he had desired nobody to leave the ground; but when he saw the Cavalry come up, he did desire them to leave the ground, for he was sure something would happen. He saw nothing thrown before he went away; and he went away when the Cavalry were near the hustings. He was one of the spectators; he shews you he felt no fear at all, that he thought the women and children would better be out of such meetings; and no wonder he did. He tells you he saw the Cavalry; and then he told them they had better go away; and then he was afraid of some mischief. Had he feelings of alarm and danger before? Not in the least. And, I say, on the whole of the evidence from the beginning to the end, there was no cause for alarm or fear of danger, from any one act that the people did upon that day. They did nothing which could create terror or alarm in the mind of any one, except those who by previous reports had infused into their minds all the doubts and fears, all the dangers and difficulties, that attended

this transaction; and who were more likely to suppose, who were more likely to feel, some event would arise from the meeting, when they had read over the various reports and representations such as I have mentioned—representations such as the man stated who came from Rochdale, that the people were resolved to go up to London, change the Government, and take the property of the persons whose estates they passed in their way. I say I do not know how such a thing can be evidence against my client. He never can have the means of rebutting it. If you once state a conspiracy on a plea, I defy any man to rebut it. Whoever he may be that is cut, be he a stranger, or what he may be, if he has thought fit to bring an action, or complain at all of what has passed, he is partly met by such evidence as that given in this case; and he never can, by possibility, have the means of rebutting it; for he never could tell what other people had said, what other people had done. I say, as far as affects my client, what happened at White Moss can have no influence or effect on him. He never was at White Moss, nor has any witness shewn he was there? He was merely on the Tandle Hills, and there has not been shewn there, any one illegal act, illegal *per se*, done; because I say, that till the late act to prevent drillings, people might march and drill. I dare say almost every one of us has done it at one time. I recollect perfectly well when I was a boy, being marched and drilled; and if it was illegal, surely the legislature would have prevented it. I know of no act but this one, passed immediately after, to render this illegal. I say before that time it was not illegal; and, unless there is something else, this in itself alone is innocent, and you will not fix to it a character of criminality; you will not, I know, shut your eyes to the evidence, but you will look on an act which in itself alone is innocent, as innocent, unless it is shewn by some other means, that the intention of the parties

engaged in it was illegal. You will look on it as innocent. If you think my client, the plaintiff, was present for no other purpose but to enable him to march more regularly and orderly to Manchester, then you will not impute to him any mischief that may have resulted from the other drillings which he never heard of. And as to himself being at the drilling, it is proved that only three times was he there seen. There is one man who says he saw him three times. But, Gentlemen, my learned Friend threw some doubt on this case, as to whether my client was cut at all; and said that we might have called other persons. How could we have done that? His own witness shews that the Manchester doctor, at least, was dead. I asked him the question, but he would not say any thing to me. But when my learned Friend asked him if the widow was alive, he said yes, she was. The wife of the living doctor, will become the widow of the dead one. If she is the widow of the doctor, it follows, consequently, the doctor is gone; and he said, I thought, the doctor's son was dead too. We could call no one person therefore, except the person who saw him wounded, who knew him, who knew Oliver, and had known him for a length of time, and who had been in the custom of going to the house which Oliver keeps in Manchester; and, therefore, he knew both the one and the other as well as could be. And there is another circumstance in evidence, which shews conclusively that this man was injured. He was asked when had he seen him last, he said on the 15th. How long was it before he saw him again. He had not seen him for three months. What had become of him? He was laid up and recovering of his wound. I have proved he was wounded; I have proved the man did not see him for three months; I have proved the doctor is dead; and I say therefore, unless some evidence is given that Oliver was not there, unless some evidence is given to impeach the character of Prestwich, or impugn the

evidence which he has given before you, you are bound as much to believe that this person was struck, as if it was the commonest assault in the realm, if it involved no other transaction but a mere assault on this man. As to the character of the Magistrates, which my learned Friend says, is at stake, you will never consider that; you will be guided by the evidence of the facts, and that alone; and you will give your verdict on those facts, and those facts alone.

Gentlemen, I have now to apologise to you for having taken up so much of your time, having almost exhausted myself in the endeavour that I have made to lay before you, as fully as I have been able, the case on the part of my client. Gentlemen, to a person who has had so little experience as I have, in the profession, and whose fate it has never been to have had much practice in the leading of causes, or, indeed, any at all, you will be aware of the infinite difficulty that it is for me to reply on a body of evidence that has lasted for almost three days; such a body of evidence as I never heard given before in the whole course of my life, and such, I believe, as few persons have ever heard. I have endeavoured to perform my duty; I have performed as well as I could, to the best of my power, that which the interests of my client required me to do. I trust I have had your attention; I trust that you will give weight to the observations such as they are, if they affect your minds; that you will see whether any one of these defendants are liable for the assault which has been committed by them. I am not able to persuade myself that Oliver could be justified in falling on a man, striking him, carrying away his flag, and cutting him with his sword, unless he was also justified in striking off his head. Having said thus much, I trust you will now do your duty; that you will endeavour to consider the whole of this evidence; that you will endeavour to see that justice should be done towards my unfortunate client; for unfortunate he is, at all

events, whether he succeeds or not—unfortunate he is and poor he is, I must admit. But I should think it was no stain on his character, that his poverty would recommend him more to your attention, and incline you to look more favourably on his case. If you think he has been unjustly wounded, you will then find your verdict for him. You will take care, that as the liberties of the subject, in him, have been violated, in his person too, you will avenge them.

MR. JUSTICE HOLROYD.—Gentlemen of the Jury: the evidence in this case has taken a very considerable time in being gone through, yet the points will not be very numerous that may require your attention. I believe, if it had not been a case of so much expectation, and so much consideration, which has induced both parties, by no means improperly, on account of the great anxiety on the one side and the other, to go over what has passed, in order that all the circumstances of the case should be most fully investigated, much less evidence would have been sufficient; you will decide, Gentlemen, I have no doubt, on the evidence which you have heard, in the course of the present investigation of the last five days; and with reference to the real points in the case. This is an action which has been brought by the plaintiff, a person of the name of Redford, against four persons; one of whom is an officer of the Manchester Yeomanry, Captain of a troop that went up, on this occasion; another is an officer not of his troop, but of another troop, and who did not come up till after Captain Birley was on the place, and it would seem as if there was no evidence to affect him, with regard to any thing done against the plaintiff. It is likewise brought against the trumpeter of Captain Birley's troop, and a person of the name of Oliver, a serjeant in the troop; and the action is brought by the plaintiff Redford, in order to recover a compensation in damages, for an injury, which it is alleged he sustained, and which is said to have been given him by one of these persons, the others being all implicated in so doing; and it is

therefore, for that alleged act, to recover a compensation in damages, either from Oliver, or from him and the other persons who are said to be implicated in it, by acting for a common purpose, on the field on that day. If they went for a lawful purpose, and one of them, in the course of effecting that purpose, did an unlawful act, to which the others were not parties or privy, the others would not be answerable for that act. If persons go together, go united in an unlawful design, to commit a felony, or a breach of the peace, and, in the course of effecting that purpose, any one does an act in pursuit of the common purpose, they are all answerable; because what they set about, upon a common design, was unlawful to begin. But even in that case, if they separate, and one does an act, not in pursuance of the common design, the others would not be answerable: and, in this case, supposing the military were called on to aid the Magistracy, (and it would be their duty, when called on, to aid and assist the Magistracy, in such commands as the Magistrates, by law, are entitled to impose,) no person would be answerable for any particular act of the one, except that one only. And, therefore, supposing it to be the case that Oliver did an unlawful act, supposing it to be satisfactorily made out, (whether it is or not, will be a consideration for you, amongst the circumstances of this case,) yet still the others, if they were acting lawfully, would not be parties, or answerable for his unlawful act. There are several different grounds of defence made in this case; and the first is, that the defendants are not guilty of the cuttings and woundings or any of them, imputed to them. The next ground of defence is this; that they were acting in aid of the Magistracy, or of the constables who had the warrant. And if they were doing so, and if in the course of doing that, they went into excesses, still, in that case, by a statute passed in the reign of George 2d., for the protection of the Magistracy, the action, supposing it brought against the constables or peace officers, or supposing it brought against the persons acting under the warrant, must be brought within six months. It is, either by that statute, or by an older statute of James 1st. directed that it must be brought within that period of time; and one ground of defence is, that, whatever has been done by the defendants, either in point of fact or in law, although it was not even

done strictly, in obedience to the warrant, but going beyond it, yet, if they were intending to act in obedience to the warrant, still the action cannot be brought now, after a lapse of six calendar months; which statute was made for the purpose of protecting persons, acting either in the situation of Magistrates, or in obedience to the Magistrates, justices, or constables. But, besides that, there are different grounds of defence alleged. In the first place it is insisted by the different pleas, that this meeting, assembled on the 16th., was either, in point of law, a riotous meeting, such a meeting as would constitute a riot; or if not, that it was what, in law, is called a routous meeting; which is a meeting that, if carried into effect, would constitute a riot; or that it was a tumultuous meeting; or that it was an unlawful meeting; and that the defendants were called in aid of the Magistracy; and that what they did was in obedience to, and assistance of, the civil power. There is likewise another plea, which has let in a great deal of the evidence; viz. that there was a previous seditious conspiracy, to excite discontent amongst the King's subjects, entered into by divers seditious persons, for the purpose of exciting disaffection and hatred, and contempt of the Government and Constitution, as by law established; and by unlawful means and combinations, to alter the Government and Constitution of the realm. And then, in one of the pleas, the drillings are alleged, which are stated to be clandestine. But, whether they were clandestine or not, if they were done for the purpose of overawing the Government, or for the purpose of exciting tumult or resistance to the civil power, they would be unlawful. It is also alleged, that divers of these conspirators, of whom part were the persons drilled, in pursuance of the conspiracy, unlawfully, and armed with stones, bludgeons, and other offensive weapons, met with intent to carry into effect the conspiracy; and that, further, they exhibited flags, banners, and other ensigns, bearing divers wicked, malicious, seditious, and inflammatory inscriptions and devices, calculated to excite disaffection in the minds of the King's subjects, and to excite hatred and contempt of the Government; and that the plaintiff was present, and aiding to carry on the conspiracy: and that being lawfully present at the meeting, the defendants endeavoured to restrain them from so doing;

and that the consequence was, they lawfully dispersed the meeting; or, at least, that they acted in obedience to the Magistrates' order. There are likewise other pleas, which state that this meeting was assembled for the purpose of exciting hatred and discontent against the Government, and of subverting the Constitution; some of the pleas stating it in one way, and some in another. And if all or any of these parties, the defendants, were acting in aid of the Magistrates, on that occasion; in that case, even supposing you are of opinion that the trespass is proved against all, that would constitute, in law, a good defence, and entitle the defendants to a verdict. There has been a good deal of evidence given on one side, for the purpose of shewing that there was no occasion to call in the military; and on the other side, for the purpose of shewing that the warrant could not be executed, without the aid of the military. And however desirable this may be, to satisfy some persons' minds that the Magistrates did not do it without a cause, yet, in this action, (Withington, belonging to another troop, is out of the question,) as to Birley and the two others, the question is not, whether it was necessary to call in the military or not, of which the Magistrates themselves were the proper persons to judge, but whether they, being so called in, were acting in aid of the Magistrates. And upon that, it is clear, in point of law, as I stated to you, I think, from a decision in one of the cases of Sir Francois Burdett, that the military do not lose the rights, and are not exempt from the duties of subjects, by entering into that condition; and the Magistrates may, upon occasions, call them in aid. No doubt, if they were to call upon them wantonly, and on occasions where there was no apparent necessity for it, inasmuch as that would create alarm, and might induce terror and apprehension in the minds of the King's subjects, it would be an abuse of the power of the Magistrates, in making an undue, because an unnecessary, use of that power. That would, however, be for their judgment, and not for the judgment of the persons called in aid of, or to assist in, the execution of the warrant of the Magistrates. They might, without a warrant, direct any of the persons, by word of mouth, to use means for dispersing, although the persons using the means are answerable for doing

it in a proper manner; yet the Magistrates, in that case, would not be answerable for an undue use made by the other persons, after they were directed to take the proper means for the dispersion: for the order for the dispersion, if it was improperly given, the Magistrates would be answerable. But the present is not an action against them. There has been a vast quantity of evidence given in the course of the last two days, upon the question whether the meeting was an illegal one, Whether the meeting was an unlawful one or not, is not, strictly speaking, the matter in controversy on the present occasion: but it would be for your consideration, to say whether it did or did not go fully to justify them, in your opinion. But on the present occasion, even supposing the Magistrates had not exercised a sound discretion upon the subject, yet these persons, being called on to aid and assist the civil power, are bound to do that. When a warrant is granted by the Magistrates, I say it is not properly questionable, in an action against the military, whether the Magistrates were or were not justified in the warrant which they actually granted. But however, Gentlemen, for the purpose of shewing this was an illegal meeting, I will state some things which constitute an unlawful assembly. A riot is where three or more are unlawfully collected together to do an unlawful act; as, if they are removing a nuisance in a violent manner, and beat a man; that may constitute a riot. Persons may be riotously assembling together, yet, unless they do the act of violence, it would not go so far as to constitute, actually, a riot. If they come armed, or meet in such a way as to overawe and terrify other persons, that, of itself, may, perhaps, under such circumstances, be an unlawful assembly. A rout or rontous assembly is where they come for some unlawful purpose, intending to do something in violence, but do not go to the full extent, or take any actual step for accomplishing their purpose. But an unlawful assembly is, in any cases where they meet together, in a manner, and under circumstances which the law does not allow; which makes it criminal in those persons meeting together, in such a manner, knowingly, and with such purposes as are, in point of law, criminal. I will state to you some of the things which constitute an unlawful assembly; and I do it with more confidence, because I shall do so,

not in my own language, but in that of the most excellent Judge who was here in the course of the last week ; and who, on a similar trial, arising from circumstances that occurred on that very day, had, at York, occasion to lay down, what, in his opinion, constituted an unlawful assembly. That does not depend on his opinion alone, but it was afterwards confirmed in the Court of King's Bench, when Hunt was called up for judgment. The doctrine which he laid down to the Jury upon that occasion, I state from his own notes of the directions which he gave to the Jury. He says this: "all persons assembled to sow sedition, and bring into contempt the Constitution, are in an unlawful assembly; all persons assembled in furtherance of this object, are unlawfully assembled too." If there is an unlawful assembly collected together, you cannot distinguish all the persons who come with that design, and those who do not, and who are mixed with them; and if it is necessary or proper to make a dispersion, you cannot select particular individuals; they must all go away. And when an immense number of persons are collected, though they are not criminally so, unless they come with the view of aiding or assisting, or some illegal purpose; yet, being there, they necessarily bring themselves into some hazard. It is generally a matter of great imprudence, by which they get themselves into a situation, which they may afterwards have occasion to lament. He says then, "what are the objects of the leader, the person who means to occupy the chair, the persons intending to take distinguished parts in it, what are the objects of those who bear the flags or banners—those are to be considered with reference to the inscriptions; what are the objects of those who have been drilled?" It has been alleged that the drillings may be legal, I will not say, in all cases, that drillings are illegal; for although it is the sole prerogative of the King to have the management of the soldiers, and to appoint those who command them, their existence being under the controul of Parliament at the present time; yet, in former times, when the military power was in the hands of the King, they were his military tenants; so that there was no controul by the Parliament over them, except so far as the Parliament, from

its power and influence and so on, could have the controul: They were the King's military tenants, and had their estates in fee, and were bound to do military duty. In these cases, the military must assist the civil power, and not only assist, but acts of Parliament passed repeatedly to enforce this assistance: and, on one occasion, where I had to look into the acts of Parliament, I found, to my surprise, a great number of acts, passed in the time of the Henrys and Edwards, for appointing officers to go about, to see that all the King's military tenants had their arms and armour and horses ready; and for what purpose? that they might be ready for the Sheriff, whenever he called on them to raise the *posse comitatus* to assist the civil power; and there was a punishment for those who were not ready. At which time, they were productive of more regularity than there has been of late years. For by making an end of all the feudal tenures, we hardly know what the *posse comitatus* is, or how it is to be raised, supposing the Sheriff wanted to raise it. A man may drill for a mere innocent purpose, as children in schools are taught, instead of being with a dancing master, to learn to walk; yet, if the object is to overawe the Government, that object is high treason. I state it as part of the doctrine delivered on the occasion at York, "if the object of the drilling is to secure the attention of the persons drilled, to disaffected speeches, and give confidence, by an appearance of strength, to those willing to join them, that would be illegal; or if they were to say, 'we will have what we want, whether it is agreeable to law or not'; a meeting for that purpose, however it may be masked, if it is really for a purpose of that kind, would be illegal." I speak under better authority than my own. Whether it was generally criminal or unlawful to all who attended, or whether it be partially criminal and unlawful as to any one, depends on the different purposes and objects with which persons go. A great number go from mere curiosity, and appear to be countenancing the proceeding, without intending it; and if, making that appear, they are called on by the laws to answer for their misconduct, it is incumbent on them to explain their acts, it may put them to some hazards or difficulties in shewing their innocent intention. "If, from its general appear-

ance, and all its accompanying circumstances, it is calculated to excite terror, alarm, and consternation, it is generally criminal and unlawful"; that is, in all those persons who go for purposes of that kind, disregarding the probable effect, and the probable alarm and consternation; and whoever gives countenance thereto is amenable as a criminal party. With a view to that, the evidence of actual alarm and absence or want of alarm is material; and that has been the occasion of a great deal of evidence being admitted, regarding other persons' fears and apprehensions, and what information was given to the Magistrates, under which they, whose duty it is, whose sworn duty it is, to protect the King's subjects from all mischief, in such a way and manner as is lawful, were to act. They are to provide those means of precaution, attending to the circumstances communicated to them, which are proper and necessary, and for which they, as Magistrates, would be criminally answerable, if they were to neglect; particularly where the meeting is likely to tend to mischief for the want of taking proper precautions. As in the case of the riots in 1780. Kennett was the Lord Mayor of London at that time; and Lord George Gordon, the brother or son of one of the Dukes, called an immense number of persons in St. George's Fields. They were called for an ostensibly lawful purpose; and there was of itself nothing further meant or intended, than to petition the House of Parliament to repeal acts which were passed in favour of the Roman Catholics. They met, on that occasion, in immense numbers; but not so many as on the occasion on which we are now unfortunately sitting. Lord George Gordon went up with their petition to the House of Commons, and they accompanied him there. So far there was nothing amiss; except that being tumultuous, it was indiscreet; because it was going with a great number of persons which was tumultuous, or had the appearance of being so; and if they were not satisfied with the result, some amongst them might break out into acts of violence. On that occasion they were not satisfied with what was done in the House of Commons; and the result was, they went into different parts of London, and set fire to Newgate, to some of the religious houses, to some of the Roman Catholic houses, and, among others, they

opened the prison of the King's Bench, I think, as well as Newgate. The consequence was, the town was in riot and confusion for three days; till, at the expiration of that time, the military were called in, and were obliged to do military execution; and I believe that some persons were engaged in the work of conflagration at the time they arrived. Now that is a circumstance which some among us are old enough to remember; among others, I do myself. There are others who are not old enough, or who were not in town, recollect it from history, and the accounts given of it. Then there is the case of another, in Spa Fields, where the meeting was ostensibly proper; persons broke into houses and much mischief was done. I do not mention this for any other purpose than to shew that these things having happened within the memory of persons now living, it naturally makes Magistrates more on the alert and on their guard, when an immense number of persons come together, for the purpose of petitioning the Crown; which they have a right to do, supposing they do not come under circumstances which go to inspire terror and alarm in the neighbourhood, and are not naturally calculated for the purpose. If they are calculated for the purpose, though they have a right to petition, they should do it by meeting in less numbers; not all congregated together, but in different parties, where mischief is not likely to ensue. These are circumstances which naturally lead the Magistrates to a more careful consideration; particularly when the Lord Mayor of London, not being on the alert, and this mischief having arisen, was punished for not putting a stop to the subsequent riots, by having the disgrace of a judgment, and likewise a fine of £1000 levied upon him. This makes it an important thing, supposing higher considerations than mere apprehensions of disgrace do not operate upon the minds of the gentlemen who fill the office of the Magistracy in this county; gentlemen, whose sensations and feelings are of a higher nature, and who do it for the satisfaction of doing their duty; (I do not mean to say there may not be exceptions; that depends on proof, supposing it to be met in issue in the present case, which is for your consideration,) they are in a situation which makes it important for them, both for their own characters and for the sake of those it is their duty to protect, to be on

the alert on occasions of this kind. In order to prove that there had been, at least, an unlawful assembly, there is evidence given of different circumstances which, if you think it necessary, I will state. And I will state all the evidence, long as it is, and more particularly on those points on which it is necessary evidence should be read. But I will, in the first place, draw your attention to the leading features of the case, on which evidence has been given, in order that you may form a judgment whether this meeting, if not amounting to a riot or a tumult, was, at least, an unlawful assembly.

Juryman.—The heads will be quite sufficient.

Mr. Justice Holroyd.—And supposing you should be of that opinion, then the next thing will be as to the calling in of the military, which the Magistrates would have a right to do, if they thought it necessary. If you wish, I could state to you all the circumstances stated on the one side and the other, as to the expediency of calling them in; but it appears to me that the military, being called in, are not answerable for the judgment of the Magistrates; supposing the Magistrates, who are all there, concur in calling them in. In July, all the Magistrates meet; a greater number than ever assembled before, assembling for the purpose of taking measures of precaution, appointing a committee of ten or twelve Magistrates, gentlemen of the first respectability, to be a committee of public safety, (very different from the committee of that designation in a neighbouring kingdom,) a committee to give advice and information, as far as they could give, from their experience in the several matters before them; and all this done by the Magistrates—with what view? For the purpose of being right in the measures they took, or any other they might propose, even if they called in the military. The other questions will be, whether these persons were acting merely in aid of the Magistracy, and whether all that followed did not arise from the act of resistance on the part of those in the mob, or not. With respect to its being an unlawful assembly, evidence is given by one of the chief constables, and afterwards by the deputy constable. One mentioned only once seeing Hunt in Manchester, along with two other persons; the other speaks of his being in Manchester in January,

and remaining a week. He speaks of the town being in a more disturbed state, than it was previous to Hunt's coming. A good deal has been said with respect to the people being in a state of distress, arising from the stagnation of manufactures; and it was alluded to in the very able and excellent opening, by the learned Counsel for the plaintiff stating the state of starvation shortly before. The more distressed people are, the easier instruments they are to be worked upon, supposing these persons did aim to work upon them, by pretending to be acting for the purpose of putting them in a better situation; though, really, for the purpose of subverting the Government. The offence is not the less, because persons go to parts of the kingdom, where the people are in a state to be more effectually the instruments of their mischievous designs. At that time it was, that Hunt was at Manchester, according to the evidence of one of the chief constables, who saw him at the theatre in January. He had gone one night; and there being an idea he meant to speak the following night at the theatre, the Magistrates prevailed on the proprietor that there should be no play that night. Steps were taken that there should not; I suppose, with a view to prevent any address Hunt might wish to make publicly at the theatre. It seems he came that evening; because one of the constables proved that he saw him that evening, when he came with Johnson in a coach; and he saw him get upon the box, and when he was on the box he addressed the people assembled; and the same night they endeavour to get into the theatre, and force the doors open. The disturbed state of Manchester is proved by some of the witnesses, in the interval between that time and the time when the Magistrates became all anxious, taking steps for the better security of the peace of the town. Then it seemed to go on until July Sessions; about the period when an extraordinary meeting took place in Smithfield. That was the time when Mr. Hulton speaks of the great number of Magistrates assembled to consider the steps to be taken, at which they came to a resolution for the appointment of a committee of Magistrates, which is appointed the following day. Then, at a subsequent period of time, and previous to the 16th. August, there were special constables

appointed ; but on the occasion of the 16th., there was an additional number appointed, to the amount of two or three hundred, who were brought upon the field upon that day for the purpose of keeping up a communication with the hustings, that the Magistrates might have information from time to time, of what was going forward on the hustings; and if that communication had been kept up, it would have been known what was going forward. Then there is evidence given at different times, of the drillings, from time to time, early in the morning or late at night; some very early indeed on the Sunday morning, some of them as early as two o'clock at White Moss. It may be argued that these drillings were not only for an innocent purpose, but that, at other periods of the day, they were hard at work; and this was because it might not interfere with their work. The question with respect to the drilling is, do you think it was or was not for any other purpose than that imputed to them, or for what purpose it was? We do not hear those who have been drilled, come to tell us for what purpose they were taking all these steps. It may be matter of consideration, when you come to consider the object and nature of these drillings. Besides these drillings, which seem to have taken place for some period before, there is the usage which some persons met with who attended some of them. Murray went there, not out of idle curiosity; he states that he had an alarm; that he had heard how things were going on; and he wished to know how it was; he, in point of fact, being under some alarm on the subject; and he went for the purpose of ascertaining that. They call out "spies," and he is ill-treated. The next day, the 16th. August, a large party came by, stopped at the place where Murray lived, and groaned and hissed, to indicate he had been the object of their punishment the day before. Shawcross was ill-treated on that occasion; he was knocked down, and when he came to himself, he saw them ill-treating Murray. If they had been for an innocent purpose, a fair object, they need not have been afraid. If some persons might be spectators, why be afraid of these persons? They might not be afraid of some spectators, but still be afraid of others. You will judge whether they chose all persons should be spectators,

and what the motive was that induced them to treat these persons in the way they did. Then there are some declarations of those who were drilling, which that I may not have a chance of misstating, I will mention two or three of them as sworn to, whether truly or not is for your consideration. James Heap speaks of, in July, seeing 400 or 500 people pass his house; one man walking by the side. He gives an account of James Mills, a soldier, who was the commander of a party; and the bugle he heard almost every night. He was at Tandle Hills when Cocker, the militia man, gave the word of command, and he states his giving the word "fire" and so on—he gave the word of command. Then on the 8th. August, he was there again; and on the 15th. That is not the witness who speaks of the declarations; that is Edmund Pilling. He went by the directions of Mr. Crosaley, the Magistrate; and he says, he went, on the 15th. August, to a field adjoining Rochdale; that was between two and three in the morning: at first there were only four persons. He returned, and then between three and four there were eight or ten persons. They asked him to go to Tandle Hills, to get a big loaf for a little one. He says he did go, and got there between four and five in the morning. There was a body of about fifty who were looking on; they asked him if he would join them; he said he had not rightly considered of it. He says that, soon afterwards, the Royton party came up. They said he was foolish for considering any thing about joining. He says they went away; they said they would have a reform in Parliament; they would go up to London, and make the best of their way there; and if any person had any property, they would make use of it on their way; they said that when they took their work to Manchester, they bought arms to defend themselves with. Then he gives an account of their going through the manual exercise. The plaintiff, he says, was present on these two days; he was there on the 1st. and on the 8th., and the same thing was done on those occasions. He knows the plaintiff; he was present on these two days; he has frequently seen him before. And then he says, the bugle was used. Then he is asked, upon his cross-examination, for the purpose of shewing the improbability of their

doing this, and that it was not one the persons actually drilling; but a looker on; and he gives an account of his being the assistant of the constable in the Police Office at Rochdale; he has been so since 1819—since he was employed by Mr. Crossley; before that, he was a spindle grinder. He states that the person with whom he had the conversation was a stranger. The question was very properly put, on the part of the plaintiff's Counsel, to shew it was not probable a person would make declarations of this kind to a stranger. Whether that goes to invalidate his testimony, is for your consideration. He says, he first met with him on Tandle Hills: he rejected every offer to join them immediately; he told him this after he had refused to join them. He said he kept being a looker on, and did not form one of this body—that is, the person who told him this; he is not speaking of the plaintiff. Then he says, there were three or four of them together at this conversation. He says he does not know what has become of these other persons. Then there is the evidence of Murray, and their ill-usage of him; with respect to which, there is not only the ill-usage, but this is to be considered by you, how far you think it goes to shew what their objects were, if the account which Murray gives to be a true account. He gives an account of this: one man said “I think he has had enough, if he has any more he will die;” he was not sensible, he lost his recollection, he cannot say how long. One man said he thought he had had enough; then they ceased. Then they gathered together, and one of them stepped out and said, “Will you go down on your knees, and swear never to be King’s-man again, or name the name of a King, or go a constabling?” This, you see, is material, when you consider, when the meeting was postponed after the 9th. July, whether the ostensible object was or was not the only real and true object, or whether there was some further unlawful object, of which these things were carrying on as part of the designs. How far, therefore, the subsequent meeting was to carry into effect the objects of the meeting of the 9th.; how far these were or were not connected with the objects of the Smithfield Meeting; whether the objects of the Smithfield Meeting extended through different parts of the kingdom, and these persons were acting with similar objects at both

places ; all these are matters for your consideration, taking all the circumstances together. We cannot dive into their intents ; we can only discover their objects by acts and expressions. Secret intentions are sometimes collected from circumstances taking place, at a time when the parties are not aware of the consequences, or are off their guard. Then he goes on, " I consented, to save my life ; for I thought, if I did not consent, I should be murdered. They formed all around with their sticks, and one came forward to repeat the words, and administered them." Then, he said, they made him kneel ; and said " you will swear never to be a King's-man again, or own the name of a King, or go a constabling ; I will have no more constabling." Then, he says, he got away with difficulty. Then, you see, upon the next day, when they come by his house in a body, they come with bugles and a drum, and they marched opposite to the window. " The column was from 8,000 to 10,000, eight or ten abreast ; and they stopped : they carried banners ; one, as I conceived, at the head of every division ; I have seen a regiment march worse. Many of them had sticks in their hands." Shortly after, he heard music again, and was carried to the window ; he saw a crowd, and a band of music preceding an open carriage ; it was merely a mob of men, women, and children. It is not to be disputed, that on the occasion of the 16th. August, there were a great many women and children ; that is a circumstance in their favour, and shewing they had not a design of breaking the peace in such a way as to endanger the lives of persons ; at least not upon that occasion. If they had intended to make the meeting a step towards nefarious designs, that would be, in point of law, an unlawful assembly. " At this time," he said, " Hunt was in the carriage, and Johnson ; the other persons I do not know, nor the lady"—that is, the woman ; " she was carrying a banner, and sat on the dicky ; they went as slow as they could ; they pointed to my house ; Hunt and Johnson looked up at the window, and the rest hissed and shouted tremendously ; and groaned ; and it pervaded the whole line. They all hissed and pointed towards the house, and looked up and shouted, and then pointed towards Mr. Hunt ; I suppose, to shew him. The whole street was full, but they were soon gone ; it was a mere mob." Then John Chadwick

says, he was at White Moss on the 15th. August, before two o'clock in the morning ; there were perhaps 6,000 or 8,000 drilling. There is another man who says there were not so many drilling as 800. I come to this. " A letter was brought, and the commander ordered them to form a hollow square, to hear the letter read ; but he said he would not read it, because there was no signature : the object of the letter was, that they might form hollow squares on Monday, at the Manchester meeting, to keep their enemies out." This is another declaration, sworn to by this person, which is for your consideration likewise, as to the effect and the object of it, and whom they meant, on this occasion, by their enemies ; and whether they meant resistance or not, in case any attempt should be made by those whom they called their enemies, to come in amongst them. Then he says, " I saw the person that should have read the letter at White Moss, who declared its contents, leading the Rochdale and Middleton gangs" (that was his expression) " on the 16th. up to the the meeting." He saw several more amongst the Rochdale and Middleton people. Then he speaks about the words of command. On his cross-examination, he swears positively, that the person who led up the Middleton body should have read the letter. He says, " he was one of the first, walking in front ; several were leading up besides him ; he did not appear to command, he was only a man in the first rank." Then John Haywood was at the White Moss. He states that a person knocked him down ; that is the man who quarrelled with him there, supposing he had legged him. " He said, ' you legged me ;' I said, ' I have not.' He said ' you are a spy.' Many others came as fast as they could, with sticks, and began laying on me. I was knocked down, and much beaten. I was on the road between Manchester and Middleton the next day, and saw the Middleton party marching. After some had passed me, they asked me if I was not going to the meeting that day ; and said ' if thou wilt go to-day, thou shalt have what thou wast short of yesterday.' " Then Shawcross gives the account of being knocked down likewise, at the White moss ; and being knocked into a ditch, and cut with a sharp instrument, while he was insensible. Then Joseph Buckley, a weaver, of Chadderton, gives this account of what

passed on the 15th. He says, "I heard John Walker, who was drilling one of the squads, say, Hunt was to be at Manchester at twelve o'clock the next day; and they must all be sure to be there. One of them said, when they had gotten the lay, they would have a new Government." There is another man who speaks of these declarations. On his cross-examination, Buckley mentions this circumstance; "one man came out of the squad, and asked me to go and drill; he said, I must either fall in, or go about my business. I did fall in, and was drilled for an hour and a half." Then James Heath speaks to declarations on the 16th. August. As some persons were passing by his house, they said "you will not sleep in that house to night." There are other declarations made by persons drilling, on several occasions; and one witness speaks to a considerable number of those drilled, being at the meeting on the 16th.; and recollects the individual persons. Colonel Keymer speaks of seeing, amongst those drilling, many who had been under his command, who said, "Colonel, we can march yet; we shall be able to teach you bye and bye." He speaks of having seen a great number of those present at the meeting on the 16th. August. Another declaration made, is on their going to their ground, which I read in evidence, for the purpose of shewing their object, which is sworn to by Roger Entwisle, a solicitor in Manchester. He says, he saw the Stockport division march in, to the number of between 4,000 and 5,000; they marched with military step; and one of them said, "thou hast got a good coat on thy back; before the day is over, I will have as good a one as thee." That is what he swears. Then one of the witnesses who gave his evidence to-day, speaks of declarations: he is Thomas Sharp, the iron-merchant. He says, that being apprized of the state of the public mind, he was perfectly convinced there was a general expectation that some important event would occur, and that the plunder of the town would take place. Then he said, his observations arose from straggling parties coming in during the morning; and he had particular reasons for mixing among them: his observations were in the principal streets. He says, he devoted from eight in the morning to half-past nine,

to walking along Mesley-street and Piccadilly, observing the demeanour of the people, and listening to a variety of expressions. Then he gives an account of a great proportion of them having large sticks, saplings, or things of that kind. Then he speaks of having heard expressions, such as those deposed to by other witnesses ; but he particularly speaks as to one while he was standing on the steps of a news-room. One of the parties said, " I should like to go in there, and see the inside." The reply of one or two of his companions was, if he would have a little patience, he might do so before night. The witness met a gentleman to whom he stated the circumstance, and they mutually smiled ; and then, he said, " I was immediately addressed by another of the party in this way ; we had had our turn long enough, it would be their turn before night." He heard many other expressions of the same nature. Mr. Sharp, who from the manner in which he gave his testimony, and his situation in life, appears a witness of the highest credibility, gives this account of the expressions of some of the people. You will judge how far you consider that important on the question whether this is a lawful meeting or not ; likewise as to the expediency of the Magistrates being on the alert, judging from what had occurred. It has been said by the learned Counsel for the plaintiff, allowing the meeting was illegal, why did not the Magistrates prevent the meeting at first ? They should have done that. The question is not, whether a more effectual mode might not have been taken, but, whether that which was done was lawful—at least, the part which the military took ; and they are not responsible for the Magistrates, supposing they have not taken the most judicious course at the moment, but what, on further consideration, might seem most judicious. You must have strong grounds, and be satisfied you are enabled to judge of the proof, before you can venture entirely to prevent their coming. If there is no legal ground of their meeting, that, of itself, furnishes a direct ground for preventing their meeting ; and it does not follow, that because persons were prevented, by a notice, from meeting on a prior day, they may not venture to meet when they avow another purpose, which is legal. Whether the meeting was legal or not, under all the circumstances, or whether it was merely a mask and pretence for other objects, is for your considera-

tion in the present case. Then Mr. Sharp says, there were many other expressions of the same nature: he gives an account of the effect on his mind; he loaded a brace of pistols, and took steps to secure his house. There is the evidence given, on the question of alarm, of several most respectable inhabitants of Manchester; who do not appear otherwise connected, than as lending their assistance as special constables. A number of those have expressed their apprehensions of alarm; and some persons from different places were called on likewise, who expressed their alarm and apprehension at the consequences of the meeting: and with respect to this gentleman, Mr. Sharp, he speaks very distinctly upon the point; supposing that, in fact, if it had not been for the wisdom of the Magistrates, and for the assistance of the military, such things would have been carried into execution, as he mentions. There is evidence likewise given of what took place previous to the meeting of the 16th August, which is the resolutions which are proved, by the reporter for the New Times, to have been given to him by Mr. Hunt, at the meeting at which he was the chairman. The resolutions in question are certainly, if not high treason, but a step short of it. Accompanied by other circumstances, if they prove a step to establish another Government, that, as the law regarding the offence of high treason stands, must and would be high treason. A step for establishing, by force, another Government, if it was only to try the temper of the people, in that case must be considered as not amounting to high treason; but still it would be, what is called in law, a misprision of treason, a misdemeanour of a high nature. Supposing you should be of opinion that was the effect of these resolutions, and that they were desirous of causing disobedience to the legislature by not paying taxes, unless they were represented, not according to the law of the land, but according to the objects and measures which they had in view; supposing that was the object and intent of some of these resolutions, they would be illegal. I will state to you what some of these resolutions are. This would not be evidence to affect the plaintiff, or shew the meeting to be illegal, unless it was part of some plan: if you think it was part of the general plan, then it is

not only evidence, but of the consequence of it you will judge. "As nothing has appalled the unfeeling factions and their venal bloodhounds of the press, so completely, as the peaceable conduct of recent reform meetings in the country, so it is therefore devoutly to be hoped that the present meeting in town, will prove, by moderation of behaviour and strength of reasoning, not less formidable to the myrmidons of power in the metropolis." It was stated by one of the witnesses, that a person was apprehended at that meeting; and that such apprehension was effected by the civil power alone. It does not appear that meeting was to the extent of the present meeting, or accompanied by the circumstances respecting drillings; which, if they did exist, might make that which was prudent and feasible to be done at one meeting, not so, under the circumstances, at another. "Resolved, therefore, that every person born in Great Britain and Ireland is, by inherent right free." Certainly he is; and, I hope that will so continue. And even if a slave sets his foot on this land, the law frees him instantly; and no man has any power over him, except that, which by free contract, he gives his master. "That for the protection of the life, the liberty, and the property of every member in a free state, it is expedient and essential that a code of laws should be established, and an executive administration thereof provided." The law says that is already done. If they meant to provide another executive power without the consent of Parliament, and it was intended to do that whether the meeting in Parliament should consent or not, that would be a crime of a very high nature. "That as life, liberty, and property are equally dear to every man, whatever may be his rank, condition or attainment, it follows of necessity, that every man, in a free state, is equally entitled to a voice in the enactment of such laws, and their provisional administration." What might be the case before people formed governments is one thing. When a government is established, it is the law of the land; and our Constitution, thank God, has been ameliorated from time to time by wise measures, removing some things, which in the change of time, of manners, and things of that kind, had become inconvenient or troublesome; or being, originally beneficial, had become,

from circumstances, the contrary. These things are judiciously removed by the existing authorities; and when things are wanting which those authorities can remedy, representations are made to them, and it is to be presumed are properly attended to. Sometimes when things are not attended to, persons who wish to have them, imagine they never will be attended to; but things are not to be obtained by means of violence. "That to support the just expenses attendant upon a due administration of the law, fair proportioned contribution, from every member of the community, ought to be equitably levied." "5. That the rights of all being equal, no freeman in Great Britain or Ireland ought to be taxed without his previous admission to a participation of universal right." You will consider whether the object is to induce people to think that they have not what they are entitled to. This goes to intimate that it is wrong for any person to be taxed, without he himself either gives his consent, or is admitted to what is called the participation of universal right; that is, being one of the persons who are to elect members of Parliament. "6. That this universal right may be exercised in the choice of representatives, to be fairly and freely nominated or chosen by the voices or votes of the largest proportion of the whole members of the State." "7. That the persons who at present compose the British House of Commons, have not been fairly and freely nominated or chosen, by the voices or votes of the largest proportion of the members of the State." "8. Therefore, that any laws which may hereafter be enacted, or any taxes which may be imposed by the present British House of Commons, ought not, in equity, to be considered obligatory upon those who are unjustly excluded from giving their voices or votes in the choice of representatives." That is, that they ought not to be obliged, in equity, to pay any tax which may be imposed by the present British House of Commons. No taxes can be imposed by the House of Commons alone; they must be by the rest of Parliament joining. Taxes certainly originate with that body; but they must receive the concurrence of other branches of the Legislature; and there is no probability of their dissenting as to the actual tax to be levied. Then the 9th. is, "that from and after the 1st. day of January, one

thousand eight hundred and twenty, we cannot conscientiously consider ourselves bound in equity, by any future enactments, which may be made by any persons styling themselves our representatives, other than those who shall be fully, freely, and fairly chosen, by the voices or votes of the largest proportion of the members of the State." That is, after the 1st. of the following January, the January after the meeting, which was in July. Then the 10th. is, "that with a view to accelerate the choice of legal and just representatives of the people, we will cause books to be forthwith opened in the different parishes of this metropolis, for the enrolment of the names and residence of every man of mature age and sound mind resident therein so as to enable him to give his vote when legally required so to do." "That an humble address be presented to the Prince Regent, requesting he will be graciously pleased to issue his writs to the sheriffs, and other returning officers of the different counties and cities of this empire, to cause representatives to be chosen agreeably to the foregoing resolution, and to assemble in Parliament in January next." That is, an address to the Prince Regent to call a Parliament in the way they think it ought to be called, before the 1st. of January next; at the same time saying, that after the 1st. of January, they would not consider themselves as in equity bound to obey any future enactments. Then the 12th. is, "that it is the right of every individual to retain and express his religious opinions, without being answerable to any human tribunal; and that it is wicked, intolerant, and unjust, to impose civil disabilities, on account of any difference in religious profession." "13th. That this meeting has witnessed with the deepest sympathy and regret, the sufferings of our fellow-countrymen of Ireland, professing the Catholic faith, who, by the unjust, arbitrary, and cruel laws of a self-elected Legislature, have been long subjected to the severest miseries which one body of men can inflict upon another." "14th. That the applications for Catholic emancipation, often repeated, and always barbarously refused, prove, beyond all doubt, that the only means by which the Catholics can hope for the removal of their disabilities, is by uniting with the people of England and Scotland, and demanding radical reform;

which, by restoring to all men equal rights, will secure to our Catholic countrymen, the free enjoyment of all they ask." "15th. That an humble address, expressing these our sentiments, be prepared by the committee, signed by the chairman and secretary, and transmitted to the leading members of the Catholic body in Ireland for the purpose of general circulation." "16th. That this meeting hereby solemnly proclaim their sincere desire for an union of all sincere reformers; and they now offer the olive branch of peace and goodwill to those, whom the imperious calls of domestic, private, or public affairs, compel to remain passive well-wishers to the cause of their brother sufferers; and above all to the British soldier, that he may not be driven by the fear of starvation, the horror of a lacerated back, or the loss of life, by a drum-head court-martial, to death in defence of the system which his soul abhors." Then there is the 17th.; "that this meeting solemnly disclaims the debt, impudently and falsely called"—here is an omission which the witness supplied by writing in the margin "the national debt;" "as it was contracted by the boroughmongers without the consent of the people, let the boroughmongers pay the principal and interest of the same." "18th. That this meeting unequivocally disclaim any share or participation in the disgraceful and cowardly act of the boroughmongers, in placing the brave Napoleon a prisoner, to perish upon a desert island, shut out from human society, and torn from his only son, whilst he is exposed to the brutal insolence of a hired keeper." These are the resolutions which are stated to have been come to at the meeting in Smithfield, on the 23rd. July, 1819, shortly previous to the intended meeting of the 9th. August. It alludes, in the beginning, to the peaceable conduct of reform meetings in the country; "the present meeting will prove by its moderation," &c., holding out a peaceable meeting, at all events. Then there is the placard about the intended meeting on the 9th. August; and in considering some parts of this placard, you will consider whether the resolutions that were passed at Smithfield, which I have just read, were not borne in mind. This is headed "Manchester public meeting. The public are respectfully informed, that a meeting will be held, on Monday the 9th. of August, 1819, on the area near St. Peter's church, to take into

consideration the most speedy and effectual mode of obtaining radical reform"—you see what they considered radical reform, by the meeting at Smithfield at which Hunt presided; "being fully convinced, that nothing else can remove the intolerable evils under which the people of this country have so long, and do still groan:—and also to consider the propriety of the 'unrepresented inhabitants of Manchester,' electing a person to represent them in Parliament; and the adapting Major Cartwright's Bill, H. Hunt, Esq., in the chair. Major Cartwright, Sir Charles Welsley, Mr. Charles Pearson, Mr. Woollen, and Godfrey Higgins, Esq., have been solicited and are expected to attend." This is signed "William Ogden, James Bradshaw, Wm. Drinkwater, Thomas Bond, James Lang, James Rhodes, Edward Roberts, Timothy Booth, Thomas Plant, James Weir, Nathaniel Massey. Chair to be taken at twelve. (The Boroughreeve, Magistrates, and Constables are requested to attend." This is denounced as illegal. It certainly was illegal to take upon themselves the election of members of Parliament. The election of members, in former times, was by sending a writ. The law, with respect to the alteration, and the mode of returning members to Parliament, at present stands thus. The writs go now from the Crown Office; Parliament is dissolved by the King's prerogative; and all the elections, agreeable to the law, emanate from a writ from the King. This is a proceeding to take into consideration the election of a member of Parliament. We know that, where that was attempted to be carried into effect, it was held to be illegal, and the persons who did so were punished. On the people being informed that it would not be permitted, the meeting does not take place. Then there is the placard of the 16th.

Mr. Blackburne.—Nothing was proved about the object of the meeting of the 16th, except that I put that placard into the witness's hand, and on it he was cross-examined.

Mr. Justice Holroyd.—It does not appear that it was a legal meeting. It was not confined to Manchester only; and the boroughreeve and constables very properly refused to call it, having no authority out of their own township. They refused to call the meeting. Then it is called by other persons taking on them-

selves to call a meeting, not only of the people of Manchester, but likewise of all the neighbouring districts; on which a very large assembly is held on the 16th. August, the avowed object of which is not illegal. One question as to this meeting of the 16th. is, whether that object was the real one, or whether the meeting was not for the purpose of furthering other objects. As to whether it was really the object, there is the stoppage at the Star, and at the Police Office. The Star was the inn where the Magistrates met; and the Police Office was where the police business was carried on, and the officers received their instructions. As Hunt's carriage passes, there are groanings and hissings by the mob that are with him on that occasion. You will judge therefore what that was intended for, when you come to consider what the real object of the meeting of the 16th. was; as I mentioned before, supposing it to be called for a legal object. There are persons at the head, Hunt and Carlile, who are invited to come from a distance, who have no particular connection with the town of Manchester or the neighbouring towns, nor are they interested in their welfare any further than the welfare of a large class of people is interesting to the mind of every one. They have no particular connection with them. Then the declarations and expressions which are spoken of with regard to Hunt, are to be considered. Hunt is alluded to by Mr. Garnett, one of the plaintiff's witnesses, who was a reporter for the Manchester Chronicle. There is a vast deal of evidence given by the witnesses on the part of the plaintiff, to shew this meeting was peaceable, as to the parties they saw. They speak as to nothing being thrown; that if such had been the case, they must have seen it. What I am speaking of now, is with a view of seeing whether the object is to be considered legal or illegal, which is for your consideration. Mr. Garnett says, a few minutes after the arrival of Hunt, he saw the Yeomanry arrive on the ground; when Hunt saw them he said, "give them a cheer;" the people cheered very loudly, and the Yeomanry cheered in return. He says, there might be locking of arms in front of the Hastings. He heard Hunt say "give them a cheer," which was done; and it was such a cry as he never heard before. Hunt called the

meeting a "tremendous meeting." If a meeting is, in its nature, such as is calculated to inspire terror and alarm in the neighborhood, and does so; unless there be some urgency for calling such a meeting, it would be an illegal meeting. He says, "my impression is, there were three cheers; it appeared to me to be intended to restore the confidence of the meeting, which, in some parts, appeared to be giving way." He says further, "there was a good deal of cheering. I think Hunt said he was obliged to the Magistrates for putting off the former meeting. 'They put off the former meeting, on account of the object, which they conceived to be illegal. 'That it had produced two-fold numbers to-day. He said, I believe, 'our enemies, who flattered themselves that they had gained a victory, have sustained a great defeat.' " He says, "I remember his desiring the meeting to stand firm, but whether it was in connection with the direction to give the Yeomanry three cheers, I don't know." He says "I am the printer and publisher of the Manchester Guardian." Then George Brown, a merchant, speaks to being near the cart, and so on. He says he "remained in that situation till Hunt arrived. There was a most tremendous shouting. Hunt was speaking as to the all-powerful right they had, as British subjects, to petition." He uses the term "all-powerful." Certainly all the King's subjects have a right to petition for redress of grievances, or such lawful matters as they may think material. He says, "Hunt said 'if the enemy should shew any symptoms against us, put them down, quiet them, and keep them down.'" He says, "two men were linked arm in arm; one said to the other 'I reckon, mon, he means we mun kill 'em'; the other replied 'aye, to be sure, you fool, he does.'" That is the account one of the special constables gives, as to what passed on that day. George Read, who lives at Congleton, and is a stranger, speaks of seeing banners with the inscriptions "Equal representation or death," and "Let us die like men, and not be sold like slaves." Hunt said, the meeting had been stopped, but the only effect of it was, that the numbers had been doubled.

The question is, whether the second meeting was really for the same object as the first. The first object is not disavowed; and the

fact is, they say they were obliged to the Magistrates for preventing the meeting, for they had double the numbers that day. It is a matter for your consideration, what the real object of the meeting was. Unless there was something to shew that was not the real object which was the avowed one, we must take it that the avowed object was real. We must look at the circumstances in proof to see whether that was the case or not. Hunt called the mob assembled, a "tremendous" mob. The expression "if any one attempts to interrupt you, put him down, and keep him quiet", is certainly used. Then Robert Hughes, an innkeeper at Chorlton, and a special constable, speaks to these declarations: "those are your enemies that don't take off their hats, and don't shout;" "if any one misleads you, put him down, and keep him down." Then Hunt told them to "link arms, and stand firm." It is for your consideration how far you think that evidence can be relied upon, which is the account he gives. Roger Entwisle, a solicitor, saw the Stockport division march in; one of them said "thou hast a good coat on thy back; before the day is over, I will have as good a one as thee". As to Hunt, he says he used the word "enemies", and he conceived he meant the military; he was then pointing towards the military. "If they attempt to molest you, you'll knock them down, and keep them down." That is spoken to by Mr. Entwisle. These are circumstances to be noticed when you consider whether this meeting was, either as to its effect with respect to alarming the country, or as to its intent, with respect to the intent of the parties, of those who were likely to take an active part in the meeting, a legal meeting or not. With respect to the terror, there is the circumstance of these numbers of persons coming to the place from all quarters, to the amount of 50,000: one of the witnesses, the Lieutenant Colonel, speaks to the number being much larger. On the part of the plaintiff, it is given in evidence, that they came with a number of women and children. That is a circumstance to be taken into your notice, in considering the real object of this meeting; whether it was their intent that violence should be used that day: all the evidence is to be taken into consideration. Then there is another

ground of reflection that arises on a consideration on the object and motive of the meeting; namely, with respect to their marchings, their drillings, and so on; supposing you are satisfied these things did take place. What was the object of them, and of their coming in under a sort of command? You will say whether they only marched as people do in a sort of procession, in order to keep regular form and order, or for what other purpose. The witnesses give a different account. They bring flags, which might be to keep the different townships together. Whether it was so, or for what other purpose, will be for you to consider, with reference to the emblems and the mottoes which were upon them. There is a black flag, which is mentioned from the circumstance of having what they call a bloody dagger, and the inscription "Equal representation or death." What they actually mean by this, whether they mean it to extend to what the words themselves, in a strict sense, import, will be for your consideration, coupled with all other circumstances. In one sense, "Equal representation or death" may mean that they would even sacrifice their lives to obtain it: or it may mean that they would rather die than be without it. If you think this meeting was in furtherance of the object of the prior one of the 9th., or more particularly of the Smithfield meeting, you will then consider whether or not they meant to hold it out as their determination to die, if they could not obtain equal representation. There is another inscription: "Let die like men, and not be sold like slaves." "Liberty or death" is in the song. "I had rather die, than be without liberty." The import seems to be, as if they considered they were sold like slaves. You will consider whether they mean they would rather die than be in that situation. It will be for you to take into consideration what they mean to hold out, coupled with all the other circumstances of the case. These are circumstances with a view of considering the unlawful object of the meeting; and there is likewise a circumstance stated by Mr. Stanley, in which he speaks of the danger of such a mob as that headed by such men as Hunt and Carlile. He likewise speaks as to the effect the meeting would have, and its being calculated to excite terror. He says, "whatever Hunt's words were, they excited a shout from

those about him, which was re-echoed with fearful animation by the mob. The first shout, when Hunt was received upon the ground, was terrific." Then he says, "Hunt and Cavile are dangerous people, and any mob under their control must be dangerous." That is the impression on his mind, of such a mob, headed by men of that description. At the same time, he gives testimony with respect to the peaceable conduct of the meeting. As to the line of constables, he does not seem to be able to say whether they were cut off or not. As to the advance of the Cavalry, he speaks as if he thought there was no occasion for the Cavalry, and that the multitude were peaceable, and their behaviour such that he himself apprehended no personal danger at all. This is the evidence with respect to the assembly being unlawful, and with respect to the behaviour of the persons there; except that I have not stated to you the particulars of the evidence on the one side and the other, as to their behaviour. They came, as I mentioned before, with a great number of women and children, and they went on the field with them. A great deal of the plaintiff's evidence goes to shew that their conduct was peaceable; and some of the witnesses on the part of the plaintiff, some of the reporters, speak to expressions used by Mr. Hunt on the military making their appearance; and at the time when Hunt was speaking, their attention would be more particularly pointed to what he said, particularly if they were taking down his speech; and perhaps, at the moment, they were not observing what was passing, though at other times they were taking notice of what was going on, as far as they could. There was a great number of the plaintiff's witnesses, who gave a strong account of peaceable conduct, and from which no danger was to be apprehended. On the other side, there is a great deal of evidence as to the fact of breaking off the communication with the hustings, and as to some of the constables being locked in amongst the crowd. When persons are in a crowd, their attention is drawn at one time to one thing, and at another time to another; so that one person may see one thing, and one, another; according to the different situations in which they stand. The linking is proved by persons who were amongst them. Persons may be linked at one part, and not at another, and the

unlinking is done in an instant. If you wish that I should go through the evidence with respect to the peaceableness of the meeting, and their linking, and so on, I will do it.

Jury.—We do not wish it.

Mr. Justice Holroyd.—I have marked it in the margin, so that I can turn to it, though it must take a considerable time in going through it. Then your first consideration will be, as to the lawfulness or unlawfulness of the meeting, under all these circumstances. The next will be with respect to the calling in the military. There is a great deal of evidence on one side as to the unlawfulness of calling in the military; there is a great deal of the evidence on the other side, particularly by some of the witnesses, as to the necessity; which is afterwards further confirmed by the calling in the regular military. And if it was necessary to call on the regular Cavalry to protect the Yeomen, that is a circumstance to be taken into consideration, in considering whether or not there was a reasonable necessity for calling in the military in the first instance. That is not the question in this case, as regarding these defendants. They were called on by the Magistrates and told to assist. The warrant was given into the hands of Nadin, and it was for the chief constable to go and execute it: the military were likewise directed to assist. The expediency is not the question. It is only given in evidence with a view to ascertain how the fact was, and to see whether the calling in the military was a mere pretence to which the military were lending themselves in order to disperse the people, whether right or wrong. The military were called on to assist the constables, that measure having been thought advisable. You have heard the evidence of the Magistrates on that point. At the same time, it is denied by the witnesses on the part of the plaintiff, that there was any such necessity for the military being called in. One question is, what they did when they were acting in aid of the constables in execution of the warrant; and whether when the warrant was executed, the rest arose from resistance, and what they did afterwards was in their own self-defence. For instance, if the mob closed upon them, or if the mob attacked them, if they were unlawfully attacked, they had a right to resist. But if the military

were in the legal discharge of their duty, and were doing clearly what was requisite; and what it was their duty to do, with a proper attention to the safety of other persons; I say, if they were merely acting in execution of their duty, in that case they are justified, not only by the act of Parliament which requires the action to be brought within six months, even if they have overstepped what the law justifies; but likewise in an action at any length of time. As to the other point, there is the evidence of these persons coming and forming, and the others waving their hats in return. It is stated by some, they shouted in defiance; that does not seem to be material to the question whether the military were acting in aid of the civil power or not. Nadin goes up; whether he went before, by the side, or just after, he went up for the purpose of acting. The Magistrates might, without a warrant, if the meeting was illegal, order a dispersion of it, reasonable care being taken in that respect. The Yeomanry go up for the purpose of executing this warrant. Then there is a good deal of evidence, on the part of the plaintiff, to shew no stones were thrown, and no attack was made on them till after they got up to the hustings; and before they got to the hustings, they wantonly attacked the people by cutting them and wounding them, and so on. You have heard the evidence with respect to that part, the whole of which I will read to you, if you wish it.

Jury.—We do not wish it; we have it in full recollection.

Mr. Justice Hobroyd.—Any part you may wish, I will read. Some of the officers of the 15th. are called. Both the Yeomanry and the 15th. Dragoons are sent for at the same time, but the Yeomanry happen to come first; and then, according to Mr. Hulton's account, he sees the Yeomanry, as he considers, to be in danger, and he supposes they will be cut off by the people closing in around them. You have heard the evidence upon that: the witnesses on one side saying there was an attack of the people, who closed round them and insulted them. Some of the witnesses speak as if they rushed on the people—as if they cantered or galloped till they came to them; and in consequence of their density, two or three got in first. It does appear the trumpeter and Captain, and one or two more, got up before the others. Then on the part of the

defendants, evidence is given to show they were insulted, and that the mob closed in behind them, and stones were thrown. On the part of the plaintiff, it is denied that this took place till after the people were attacked. The 15th. Dragons come up, and a Colonel L'Estrange looking up at the room where the Magistrate was, to know what orders they had to give, Mr. Holt says "good God, don't you see the Yeomanry are in danger," or something of that kind, "disperse the mob." Then they immediately set forward, in order to save the Yeomanry from the danger which Mr. Holt had apprehended, and to assist in dispersing the mob. There is evidence given with respect to what took place upon the dispersion, by the officers. There is some evidence given by them, as to what took place near the Quakers' meeting-house afterwards. Lieutenant Buckley led up the way, and two pish were fired, one from a house, and another from the yard of the Quakers' meeting-house. It appeared some persons were collected there, a good many of whom were throwing stones. You recollect the circumstance of clearing the ground before, which was a very proper precaution; and therefore these must have been brought into them; and you will consider for what purposes; and that is a natural circumstance on the question whether it was a lawful meeting. It is likewise said that quantities were sewed—a cart load, which were carried away. It is observed, none of them are produced now: it is a considerable period since, and that may be the reason: they might or might not expect this would be further inquired into. It would certainly be more satisfactory if we had some of them here. However, it is sworn to positively by a great number of persons. You will judge whether they can have any motives to perjure themselves in this way, as to a fact of that nature, which must be well known. You will consider whether that throws any or what doubt on their testimony. Stones were picked up: it shews that the stones were brought from a distance, and goes to shew some intention of resisting such power as might be brought against them. At this place, they get behind the wall of the Quakers' meeting-house and resistance appears to have been made there. That becomes material when you are considering the first point: and I required

proof as to the actual trespass, without which, the plaintiff could have no right of action at all. It is proved by a person of the name of Prestwich, who speaks of what passed about this place, or the Quakers' meeting-house, where the pistol had been fired; where, likewise, a great number of brickbats and stones were thrown, and where some resistance was made to the 15th., as is spoken to by Lieutenant Buckley and one or two others. One of them was struck at with an iron, and another had his horse cut near his holster. The Cheshire Yeoman told him about the horse's entrails, if he did not take care. One question will be, whether you are satisfied the plaintiff was wounded at all; and if you are, then whether it was done by Oliver in defence, and in opposition to the attacks then made upon the military. That would be an illegal attack on the military, if they were only in the discharge of their duty. It is said, they had no right to take the flags, they were only directed to go and assist in executing the warrant, and dispersing the meeting. These were illegal banners; and the constables had a right to lay hold of the banners, and take them and secure them for any criminal proceedings. But the question of the seizing the banners, has nothing to do with the present question. This is not an action brought for seizing the banners; but it is for an assault upon the plaintiff, Redford, by the defendants or some or one of them. If it was made by Oliver alone, the others would not be answerable; and there is no evidence to shew that it was, in fact, made either by Birley or Withington. Withington belonged to another troop; therefore he cannot be answerable for what passed in Captain Birley's troop; and Captain Birley and the trumpeter cannot be answerable for what Oliver did when separated from them, and not under any command; particularly if what he did was a wrongful act. They were going for a legal act of seizing the persons named in the warrant, and removing the standards. Supposing they had to do this, if the stroke was given by Oliver in self-defence, it would go to acquit him, provided he was one of the military so attacked. At the time there was some of the Manchester Yeomanry there, one was wounded and taken into a house for dead. He was struck; but it appears he did not die. The account that Joseph Prestwich

gives, which is, I think, the only evidence to shew that the plaintiff was struck or cut at all, is this. He says, "I am a weaver at Droyloden, near Fairfield, about five miles and a half from Manchester. I know the plaintiff, Redford. I know Oliver—he was one of the Manchester Yeomanry Cavalry. I saw him on the field on the 16th. August. I saw the plaintiff, Redford, there too. I saw him where he was cut, near by the Quakers' meeting-house, amongst some timber, the other side of Peter-street from the hustings. Immediately after he received the blow, I turned me round; I saw Oliver before; he was about twenty yards from the hustings. I saw Oliver cutting him on the shoulder. I was busy making my escape." He certainly does speak positively as to the cut by Oliver on the plaintiff's shoulder. He says "several others of the Yeomanry Cavalry were on the ground at the time." If this was the time when the pistol was fired, and brickbats thrown, you will consider whether, if this is true, it was not in self-defence. He says, "I got to the meeting near twelve o'clock, that is, when I first went; about six or seven went with me. I was set down to breakfast, and they came and invited me." The plaintiff is proved by two witnesses to have been at the drillings. He is proved to have been there by John Tetlow; who says, "I have known Redford for ten or a dozen years; he lives in a cellar at Middleton. I saw him marching with the others in the great line, and in the subdivision. I saw him marching on the 1st., and on the 8th. August." If this man gives a true account, it is clear he was one of the drillers. Edmund Pilling says this with respect to him: "on the morning of the 16th. August, I was at the Broad-field;" that is a field adjoining Rochdale church-yard. That is the place where he says he was asked to get a big loaf for a little one. He says, "I had been at previous meetings on the 1st. and 8th., and the same things were done on both those occasions. I know the plaintiff; he was present on these three days, the 1st, the 8th, and the 16th August." He says, on all occasions Redford the plaintiff was there, marching: and then he speaks of not seeing him; it was nearly three months after the meeting when he saw Redford; "I saw nothing that ailed him." It appears as if he had been absent from home for some time. It is argued

by the learned Counsel for the plaintiff, that he was ill in consequence of his wounds; or it might be, he staid away on account of his responsibility as one of the drillers; it might be for the cut or wound. If he kept away for the cut or wound, how comes it the doctor cannot be called to speak to it; or if he was elsewhere, why is not somebody called to say he had got a cut or wound, some person with whom he lodged, or some neighbour or friend, to confirm the account given by Prestwich. You will make these observations; when you consider how far you can or cannot rely on this testimony; but the witness does speak positively as to the fact; and unless he is mistaken as to the man, he would be perjured. He says "I was busy making my escape." Then he gives an account of the Cavalry, and speaks of getting a cut on his knee. Then he gives this account, which struck me as being extraordinary, at the time; and I put the question to him, how it was he came to be going by the Quakers' meeting-house, where he speaks of there being many of the mob, and also many of the Yeomanny Cavalry, as he would have a difficulty in getting away, when his object was to get into Deansgate. The Quakers' meeting-house is here (his Lordship held up the plan, and pointed out the situation to the Jury); here is Deansgate: his way would be along here. He says he could not get along here well. Hear what he says, that you may consider what reliance you can place on his testimony, with respect to that. He says, "they began to clear the hustings; many jumped off, and some they struck at. One part surrounded the hustings, and the other made their way amongst the people, all ways, some by St. Peter's Church, and some by Deansgate, and the Cavalry after them. I attempted to go down Deansgate. The Cavalry were cutting so by the Quakers' meeting-house, that I made the best of my way towards the opening between the Quakers' meeting-house, and where some timber lay." Yet he went to the Quakers' meeting-house, where the timber lay, and where the Cavalry were cutting so. Then he says "I saw Oliver cut the plaintiff, Redford, and the Cavalry were cutting so, I could not get by Deansgate." I asked him how he came to go this way, when he wanted to go by Deansgate, and he saw the Cavalry were cutting so at that part. I put

the question to him at the time, singly. Then he says, "I could not get by Deansgate. I was by the Windmill-street when I attempted to make my way towards Deansgate. The timber lay by the new building, and it was among the timber that I saw Oliver cut Redford." That was the place where Lieutenant Buckley, and some of the privates of the 16th, got up, when they saw one of the Yeomanry knocked down; where a pistol was fired from the top of a house, when Lieutenant Buckley or one of the officers said a man fell, as he supposed, killed. He says "the timber lay by the new building. I got over the wall by the Quakers' meeting-house, where the cavalry were cutting." He says "from the time of my leaving my first station, to my getting over the wall, might be about five or ten minutes." Upon the conclusion of his cross-examination, he said, "I was examined at the Star Inn. I saw a man and a woman cut. The person who wounded the plaintiff was dressed in a light blue jacket, and white facings. I do not know whether his horse was black or grey; I did not notice it. I know Oliver: the first time I saw him that day was about twenty yards from the hastinga. I thought to have gone by Deansgate." Then he gives the reason; "it was the road that I knew. I could not find where there was no obstruction. I could not find the place to get into Deansgate. It was obstructed all the way, and I could not get that." Whether that would account for his going the other way, is for your consideration. He was asked if he tried to go up Peter-street. He said he did not. That is the account which he gives with respect to the trespass. This is a case in which no expense has been spared in getting at the evidence on one side and the other, from all quarters. In an ordinary case of assault you are not so particular in getting proof of things of that kind. You are to decide and judge, whether there would or would not be likely to be brought, in confirmation of this testimony, if this man received a cut, if he returned home, either some persons at home, or some one by whom the wound was dressed; or if he absconded and went elsewhere, some person who had seen that he was in a wounded state, in addition to this man, Prestwich, who was passing at the moment, and in such hurry and alarm, that he might be mistaken

as to the person. It is also in evidence that some persons subscribed for the relief of those who suffered; but it does not appear that the plaintiff was one of those who applied for any relief.

I have thought it my duty to make these observations for your consideration: it is for you to adopt them only so far as you think fit; when you consider, in the first place, whether or not you are satisfied with the proof that Oliver did wound the plaintiff. If you are satisfied he did wound him, then that goes to prove one issue. It satisfies that plea of not guilty as to one; but it would not do it with respect to any of the others; from whom he was then separated—supposing that it was a lawful business. Then even supposing Oliver did give the stroke, the next question is, whether it was not done in self-defence. If you are satisfied the Cavalry made no attack, except so far as was necessary to get to their destination; for what the regular soldiers did afterwards, the Yeomanry would not be answerable. If you are satisfied the Yeomanry committed no violence, except what was necessary to execute the warrant, and there was resistance, such as is proved by the officers and privates of the 15th., and a number of other persons, with respect to stones throwing at that period, and the defendant Oliver was one of those who were attacked, and his wounding the plaintiff was in his own defence; in that case, it would be a defence to him—supposing you are satisfied the assault is proved. I am not aware I have omitted any particular topics. I have not stated the evidence particularly on either side, except for the purpose of shewing whether the meeting was legal or illegal. Upon all or any of the points any evidence you may wish to have read, I shall be most glad to read, to remove any scruples you may have. You will decide by considering the evidence, by considering the nature of the action, which is brought by Redford against these four persons. Withington did not belong to the troop which first went up to the hustings; he did not come on the field till after the 15th. had arrived, and he had nothing to do with it—there is no pretence for joining him. With respect to the others, if they were separated while acting in a lawful business, they are not answerable for the acts of each other. Then it results to Oliver, whether you

are satisfied he cut or not; and if so, whether it was in defence of himself, together with the other Yeomen—supposing you think they were attacked, whilst they were engaged in that which was lawful on their part. You have heard the points I have put as to an unlawful assembly; and it is for you to say what verdict shall be given. I have no doubt, whatever is the verdict you give, it will be satisfactory to justice, and that your country will be satisfied with it.

The Jury retired for about six minutes, and returned into Court with a verdict for the defendants.

In the King's Bench.

EASTER TERM, 30th. April, 1822.

MR. EVANS, on behalf of the plaintiff, moved their Lordships for a rule to shew cause why a new trial should not be granted.

Mr. Evans stated, that he moved it on four grounds:

1st. That the learned Judge refused to receive evidence on the part of the plaintiff, which, by law, he was bound to receive.

2dly. That he received statements as evidence, on the part of the defendants, which, by law, he was bound not to have received.

3dly. That he misdirected the Jury in point of law. And

4thly. That the verdict was contrary to evidence.

After hearing the arguments of Mr. Evans in support of the application, which occupied near three hours, the Court said, they would hear Mr. Justice Holroyd's report read, before they gave any opinion upon the propriety of granting the rule. The following morning at half-past ten, Mr. Justice Holroyd commenced reading his report of the evidence, and continued reading till a quarter-past two, when the Court postponed the further hearing till the next day. On the third day, being the 2d. of May, the learned Judge resumed the reading of his report, which being concluded, the following judgments were given.

Lord Chief Justice.—My learned brother having now concluded the reading of the Report of the trial of this cause, and

having stated the manner in which he left the case to the Jury, I think it must be perfectly plain to every person, who has attended to the report, and who is at all acquainted with the law, that there is no foundation whatever for the rule for a new trial. In what I shall have to say upon the subject, it will be my desire to compress my observations within the narrowest compass possible. The first point made in support of the motion for a new trial is, the rejection of evidence which ought to have been admitted. Now the action was brought against four persons, and the proof of the acts of assault ought to be confined to the hand of one only. It was therefore important for the plaintiff to prove that he who struck the blow was one of several persons concerned in an illegal action, in order to make out that all, each, and every one of the defendants, were answerable. Another object the plaintiff had in view was, to anticipate the evidence which he might have reason to suppose would be offered for the defendants. At the first view, it was sufficient for the plaintiff's Counsel to show, generally, what was the conduct of the military on the one hand, and of the persons assembled on the other; and all evidence of a general nature which they thought fit to offer was received. But neither of these two objects would be advanced, by proving that A was struck by B, or any other individual. The general object would not be advanced by any proof of that kind. I therefore cannot see how, in the first instance, the rejection of evidence that other persons had been cut by Oliver, or any other of the defendants, could have had any effect. If it was with any particular view, the Counsel for the plaintiff offered the evidence, and if they had any reason for thinking that to be material, which at the first view does not seem to have been material; it was their duty to have stated their reasons distinctly, why they thought it should have been received, and to have requested some note to have been taken by the learned Judge, in order that there might have been no question afterwards, as to the nature of the objection. Nothing of the kind was done. And if it could be permitted, upon mere suggestion that the Counsel wished to prove this or that, the Counsel having at the trial acquiesced in what was done, without further arguing the point, that the verdict should be set aside and a

new trial granted; if that could be done, it might be done in many cases in which it would be productive of great injustice; and a practice might be introduced, to enable parties, designedly or undesignedly, to lay a snare for the subsequent introduction of evidence, which, at the time, it was not thought necessary to press. If the learned Counsel had urged the necessity of receiving the evidence, and a note had been taken of his objection, then upon a motion made by the learned Counsel, if any thing had been said in support of it, we might have been led to adopt a different course. Even after the defendants' case had closed, it was then, in the regular course of the trial, competent for the plaintiff's Counsel to introduce the proof he had before omitted, by way of evidence in reply; this was not done. It appears to me therefore, there is no foundation for the first objection.

The next objection is, that evidence on the part of the defendants was received, which ought not to have been admitted: and upon the notes of the learned Judge, it appears that objections were taken to the admission of evidence of this kind. The learned Judge did that, which every body who knows him must be assured he would have done; he made a note of what passed. And as far as I can understand the evidence conceived to be inadmissible, it is of two kinds: first the declarations of persons as to their own feelings, of the state of alarm they were in, and connecting that with the evidence of what was said at different times, antecedent to this meeting, by some of the persons engaged in its proceedings. Another part of the evidence objected to was, the declarations of persons going towards the place of meeting—declarations of what was passing in private parties, not of what actually did pass at the public meeting. Now in order to consider whether evidence of that kind was admissible or not, it is only necessary to look at the record. One of the pleas was, that there existed, before this day, a conspiracy to excite disaffection in the minds of the people, and to overthrow the Government. Another of the pleas was, that this assembly was a riotous assembly, unlawfully exciting terror and alarm in his Majesty's subjects. It seems to me to be quite impossible to maintain that, with reference to such pleas, it is not proper

to give evidence of the antecedent speeches, doings, and sayings, of the persons calling the meeting together. That is the only mode by which a conspiracy of this kind can be proved; it is only by shewing what the antecedent state of alarm was, and what was antecedently done and said. Was it not competent to shew that upon some former occasion, the person who was expected to preside at the meeting, had been received in such an extraordinary manner, by the people of the town of Manchester? When that same person was again found in a place, with the people of which he was unconnected by birth, and to whom he was an entire stranger, was it not material to shew that at the time of his former visit, this neighbourhood and its inhabitants had been conducting themselves in such a way, as to shew an intention to defy the constituted authorities; that others felt considerable alarm; and that the Magistrates, and those whose duty it was to preserve the public peace and tranquillity, were obliged to meet continually, in order to receive information as to the state of the country? If all that was legitimate evidence, *à fortiori*, the conduct of persons probably going towards this meeting, and apparently going towards the meeting, would most undoubtedly be evidence; for it is by such evidence only, you are able to discover that, which though not the professed, was the real object of the meeting. For it is evident such a meeting could not be held at all, if they did not at least take care to hold forth a legitimate object. It was therefore, of the utmost importance, to shew what was said by persons going, or preparing to go, to such a meeting. Doubtless, in an assembly of this kind, many persons would go from different motives; some would go from mere curiosity; there would be others who would think there were public grievances, which a meeting of this description might prevent; others might go meditating mischief immediately; others again might go there, who meditated mischief at some future time, when those drilled who, up to this period, had been without arms, might have arrived at a further stage in military discipline. It appears to me there is not a tittle of question or doubt, that upon this part of the case, all the evidence which was received, was properly received.

The third ground of objection is, some supposed mis-direction to the Jury, on the part of the learned Judge. And it is complained that he put to them, as a point in question, whether they were satisfied that the plaintiff had been wounded or not. The learned Judge could not do otherwise than put it in that way. When you come to look at the circumstances given in evidence, with respect to the trespass, and consider how much more satisfactory evidence might have been given; surely, there was enough to authorize the learned Judge in putting it to the Jury in the way he did. Evidence was given by the witness, that a blow was struck by the defendant Oliver; but how that witness came to be present at the place where the blow was said to have been given, did not, by any means, clearly appear. He was originally at a different place, from which there were several avenues; and he is supposed to have been anxious to have made his escape. But instead of escaping through any of those avenues, he is found at the particular part of the field where the plaintiff received the blow; and at that part of the field too, in which, from all the evidence, it is manifest, there was the greatest danger. For it appears that the plaintiff, when he was said to have been struck, was near the Quakers' meeting-house, where the conflict between the military and the people was attended with the most serious consequences. No nurse is called, who attended him; no surgeon is called, who dressed his wound; no friend is called, who had ever seen the wound. It appears there had been a committee for the relief of those who had been wounded; and it is stated that this person had applied for relief; but there is no distinct or satisfactory evidence of that fact. It appears to me therefore, that there was, at least, ground enough to justify the learned Judge, in directing the attention of the Jury to the consideration of the fact, whether the trespass had or had not been satisfactorily made out. Then it is said, as matter of objection, that the learned Judge put it to the Jury that if they thought the defendants were acting in aid of the civil power, they were justified in what they did. There can be no doubt that the civil power were inadequate to the execution of the warrant, and were assisted by the military in executing the warrant; and if

any person resisting its execution received a blow, the party inflicting that blow would be justified. Another objection is, that the learned Judge told the Jury, that if a conspiracy was proved, and they were satisfied the plaintiff formed a part of that conspiracy, it was a defence at law. The conspiracy was to be inferred from many acts; one of which was the drilling; and it sufficiently appeared in evidence, that the plaintiff was one of the parties who had been drilled. I think it was lawful to disperse the meeting, and not let them wait till their object was accomplished; and if the Jury thought so, the Jury did right in giving the defendants the verdict; and I think the Judge could not have done otherwise, than leave it to the Jury in the way he did. The questions were, whether the assault, if it can be so called, had been committed, and whether the acts of outrage were begun by the military, or by the people assembled at the meeting. Those were the questions to be determined by the Jury. Therefore taking down, as well as I was able, the objections and the observations of the learned Counsel who moved for this rule, I cannot see that any thing was done by my learned brother, otherwise than in the common discharge of his duty.

The next objection is, that this was a verdict against evidence; and that upon all the evidence, the Jury were not warranted in coming to the conclusion to which they did come. I cannot help expressing my surprise, that the zeal of any one should lead him to suppose, that when this evidence was read, the Court should not say there was ample ground for the verdict. To go through the whole of the evidence now, would be unnecessary. It can be hardly necessary to notice more than a few particulars. I think there is abundant proof of the conspiracy; there is proof of the nightly drillings; and there is proof that those who go to view them are mal-treated; there is proof that these people, who had been previously drilled, march in military disposition and array to the place of meeting; there is also proof that they go out of their way, in order to pass the residence of the person whom they had previously ill-treated, in order to insult him; there is proof that when Hunt was going to the place of meeting, he and those who were with him, studiously made a stand at the house where the Magistrates usually met, in order to

hiss and insult the Magistrates. When we consider that these country people came marching in this way, through the town of Manchester, bearing flags and banners inscribed with mottoes, not merely containing high sounding words, as the learned Counsel would infer, (for the Court cannot so view them,) but inscriptions of "No Corn Laws," "Better die like freemen than be sold like slaves;" and various other expressions of defiance; it is manifest, that there was an avowed intention to insult those who were intrusted with the administration of justice and the laws; and, if possible, by a show of numbers, to overawe and prevent them from interfering with the object their leader might be supposed to have had. It appears to me that the Magistrates acted legally, justifiably, and with a promptitude and spirit that entitled them to the gratitude of the neighbourhood and the thanks of their country. If, instead of putting an end to the meeting, they had suffered it to go on; if they had suffered them to act as they pleased, after such speeches as we have had an account of the beginning of, no man can say that the town of Manchester would have been safe for that night. But there is no one who can venture to say, that in the course of a very few weeks, that town and its neighbourhood would not have been in such a state of insubordination and insurrection, as must inevitably have led to the most fatal consequences. Many of us are old enough to remember what mischiefs were created in this metropolis, while the hands of justice were paralyzed; lest I should be misunderstood, I wish to say, that I am alluding to the riots in the year 1780. I have no hesitation in saying, that if a hundredth part of that which was done on the sixth or seventh days of those riots, had been done in the first instance, nothing of the kind would have occurred, which was afterwards to be so much deplored. It was, therefore, most important for the Magistrates to prevent those acts which would reasonably lead to such fatal results, and which we are informed by the evidence in this case, many of the persons who attended this meeting did certainly meditate. When the Magistrates, in the first instance, desired to have the warrant executed by the peace officers, they said to them, we cannot execute it, our lives will be in danger if we attempt it; those

officers were in a situation to see the danger which threatened them, if they attempted to execute the warrant without the assistance of the military. How then could the Magistrates do otherwise than they did? Could they do otherwise than desire the aid of the military, to effect that which the civil power was unable to accomplish? It appears upon the whole of the evidence, that was all they did. We were addressed by the learned Counsel, as to the interest the Magistrates were supposed to have had, in upholding the conduct of the military whom they had called in to assist the civil power. Upon that I shall only say, that had the military misconducted themselves, which it appears they did not, they would have been answerable for their conduct; Oliver at least. It is said further, that all the witnesses for the defendants were interested. I find no ground for such an imputation. The address of the learned Counsel concluded with a suggestion that we ought to be able to see there was a preconcerted design, on the part of the Magistracy, to send in the military in order to take away the lives of unoffending people, and prevent the recurrence of similar meetings. I own I am surprised at such an observation. The evidence warrants no such conclusion, but quite the reverse. I am of opinion that all that was done by the Magistrates, was done with temperance and forbearance; and that for their conduct, instead of the reprehension which, by this motion, is attempted to be cast upon them, they are entitled to the thanks of their country.

Mr. Justice Bayley.—I am of opinion, that in this case, no evidence which ought to have been received was rejected; that no evidence was admitted, which ought not to have been admitted; that the direction of the learned Judge was right; and that the verdict was amply warranted by the evidence which there was in the case; and the evidence certainly is abundant to the different parts to which that evidence is addressed. I, personally, have had a former opportunity of hearing some evidence upon this subject, and of forming some judgment as to the legal points in the case; but I have no hesitation at all in saying this, what the recollection of the court must bear me out in, that the evidence in this case, goes to points

to which in no former case it had gone; and that all the difficulty, and, in a great degree, all the doubt, which could have existed in any former case, was entirely, by the evidence, removed in this. In this particular case, there is an objection made, that evidence on the part of the plaintiff, which ought to have been received, was not received; and that evidence, in a word, was this: the evidence that particular persons of the Cavalry, and, in particular, that evidence in one instance that Captain Birley, by name, had struck an individual, by name, was not allowed to be received in evidence in the case. And it appears, upon the learned Judge's note, and upon the suggestion of Mr. Evans, that, in point of fact, Captain Birley's name, was mentioned as the person who gave the wound in question, and the person who received the wound was also named: but that an objection was taken by the Counsel, which, as it seems to me, was, after the evidence which had been given in the case, a right objection, that you ought not to be at liberty to mention the names of the different individuals of the Cavalry by whom, from time to time, wounds were given; none of those Cavalry being the individuals by whom the wound in question was given, and it having been previously ascertained by whom the wound in question was given. The object of the evidence was, to shew that all the Cavalry were acting in concert together; and, consequently, that the act of one was to be considered as the act of all. That if they were in pursuance of a common purpose, and that purpose was, as it was assumed on the part of the plaintiff it was, an illegal purpose, that then the act of one, became the act of all. Now it is material to observe in what state of the case that evidence was offered. It was previously ascertained by the positive testimony of the only witness whose evidence went to prove the plaintiff was wounded at all, that he was wounded by Oliver; that Oliver's was the hand by whom he was wounded. If you believe Prestwich, that he was wounded at all, then the case, as against Oliver, would, upon the general issue, be made out. If you do not believe Prestwich as to that point, then there is no evidence at all that the plaintiff is wounded; and, therefore, you have ascertained at that part of the case, that the hand by whom the wound in question was inflicted, was the hand of

Oliver. Then it becomes quite immaterial whether Captain Birley or any of the other defendants were wounding any individual in particular, provided you ascertain that Captain Birley and the other defendants were acting in the common design; and when you look at the evidence in the case, given long and long before the application to put the question was made, you find witness after witness states generally what the Cavalry did. The Cavalry, it appears by the previous evidence, was commanded by Captain Birley; that Meagher was one of those Cavalry; and then witness after witness gives a description of the manner in which the Cavalry acted. It therefore seems to me, that at the time the evidence was offered in the cause, it was entirely irrelevant as evidence; because the fact of their being in a common purpose of acting, was, at that time, put beyond all possibility of doubt. Therefore it seems to me that the preventing the plaintiff from going into evidence, and shewing by which soldiers in particular other different persons were wounded, was an immaterial question; and I go further, an improper question; because it was tending to raise a prejudice against those particular individuals who were singled out by such evidence, and those persons were not upon trial so as to have an opportunity of giving any answer in that respect. The observation they were not upon trial, does not apply to Captain Birley, who was named; but for the other reasons I have mentioned, there was sufficient evidence in the case previously, to affect all the corps as one entire mass, so as to be a sufficient answer to the objection. It was stated also, that one particular woman had dressed, they offered to prove that she had dressed, several wounded persons. That to be sure became quite an immaterial thing, because there was so much evidence in the cause that different persons had from time to time been wounded that.—

Lord Chief Justice.—She did prove she dressed several.

Mr. Justice Bayley.—There was one woman who proved she dressed several wounded persons, but the person to whom I referred is the 14th., of the name of Samuel Slack; who says he saw swords ascend and descend, and he could not say whether they cut; and then Mr. Evans interposed, and offered to prove that an

individual had dressed several wounded persons. It seems to me in that state of the case, that it was quite immaterial; because there was previous abundant evidence to shew all the Cavalry were acting in concert together.

Upon the second point, was evidence received which ought not to have been received? The evidence is suggested, that there are particular observations made by particular persons at the place of drilling; that you receive evidence of particular expressions made by particular persons at the time that they are going to the place of meeting; and that, in addition to that, you have received evidence that different people had said that they were in a state of alarm. Now as to the first. The declarations which are made by the persons who are drilling, or by the persons who are standing there, in the presence and hearing of those persons who are drilling, so as to call the attention of those individuals to the fact, as a declaration accompanying the act of their drilling, shews you what is the nature, and character, and purpose, for which they drilled; and, therefore, is as a declaration accompanying an act, and describing a character of that act, something which may properly be received in evidence. Then, in the next place, there are particular declarations used by people in their way to the place, and while they are at the place. Surely these must be receivable in evidence upon the same ground. They refer to the conduct of the persons in going to the place, the character of which the meeting is to be, and of what persons the meeting is to be composed; and if they, as they are going along, give particular intimation as to what the results will be, that is a declaration of the purpose which they expect will be effected by their meeting at that place. Then their declarations at the meeting are of the same description. Then as to the alarm; many persons, in this particular case, were called as witnesses to state what the alarm was which they themselves felt. No doubt, that is clearly and plainly evidence in the case. Then if other persons have communicated to them, and stated that they felt alarm in their minds, that is a proper communication to be made to those persons who are to exercise a discretion upon the subject; and their declarations in that respect, have a tendency to shew what is

the general impression in the neighbourhood, and whether terror is likely to be prevalent and effectual, or not. Not that I am aware, that, in this particular evidence, there was particular proof of any specific individuals who stated particularly that they were alarmed; but the different witnesses said, some of the chief officers stated, that they, by going through the different parts of the neighbourhood, could perceive the impression which was made on the minds of the people; and the expressions of alarm are, in reality, not mere hearsay evidence, but declarations of the impression on the minds of the people, and are evidence as elucidating and proving what that impression is. I am therefore of opinion, that, upon that subject, as far as I can judge, there was no evidence received which ought not to have been received.

Then as to the verdict in the case, or as to the direction of the learned Judge. The direction of the learned Judge must depend upon the evidence which was given in the case, and upon the pleadings which were calculated to raise the different questions in the case. Now, among others, there is the general issue. The general issue will raise two questions. The general issue will raise this; was the plaintiff wounded, or was he not? Upon that the Jury are to be satisfied that the plaintiff was wounded. There was the testimony of one person to prove he was wounded. That was entirely for the discretion of the Jury, to judge how far they could, with propriety, act on the testimony of that individual or not. No doubt at the time of the trial, particular observations were made on the degree of credit to which his testimony in that respect was entitled, and which observations were in a great degree, as I apprehend, bottomed upon some of the evidence which we have heard in the course of this morning; which evidence has a tendency to shew that the Quakers' meeting-house, the place where the present plaintiff received his blow, was, after the individuals had been arrested upon the hustings, a scene of great contest between the military on the one hand, and the people on the other. And if that was a place of great contest, why should Prestwich, the witness who described himself as originally standing at a very different part of the field, who described himself as being

desirous to go to Deansgate, and who had got different avenues by which he might have found his way from the place; how happened it that he should have been prevented from going into Deansgate, the place with which he was acquainted, and get to the opposite side of the field, which was the place in which, at that period of time, there was that great and particular contest? The general issue also is applicable to the question, whether the defendants were or were not justified in acting in aid of the Magistracy and constables, and civil power; and as it seems to me, there is a great deal of evidence to satisfy one's mind that they were fully justified, under the general issue, in acting in that aid. In judging of that, you are to see what the character of the meeting is. It appears by the evidence in the case, that the meeting was composed of an immense number of persons; a very large portion, therefore, of physical strength. It appears on the evidence in the case, that there was an elevation, from which elevation persons would have the opportunity of making speeches; and it appeared also, that amongst other persons, there was one who had no particular connection with the place; and who had come from a considerable distance for the purpose of speaking, and for the purpose of communicating his sentiments to that large body of people which was assembled at that place; and he might, by the intimations which he there made, give to that physical force so assembled, a direction which might operate either in perfect innocence, or with a great degree of danger to the public peace. It appeared that before that period, it was notorious that he had been at another public meeting; at which public meeting there had been certain resolutions passed; and I am referring to the Smithfield resolutions. At that time, then, you are to judge what the language will be which he will make use of, at the place where there is that large collection of physical strength, which may receive a direction from him—what is likely to be the direction which he may be disposed to give it. Then it appears in evidence also, that before the meeting in question, there had been, in different places, certain drillings; and it appears in evidence, I will say now, for the first time, the extent of numbers

who had met at the place, I think called the White Moss, but I know at one of the places, where they described there were from 6,000 to 8,000 persons drilling. The number of the persons who are drilling there, and the manner in which they drill, if you have any reason to suppose that any of those persons were at the meeting in question, will also enable you to form some degree of judgment as to the character of the meeting: and it is upon the character of the meeting on which the Magistrates are to act. I state that I believe it appears now, for the first time, that the number at that place, on the preceding day, was from 6,000 to 8,000 persons. How do they drill at this time? According to a great deal of evidence in the case, they drilled in the way in which soldiers are drilled; marching, and wheeling, and falling flat on their faces; and then the words "make ready," "present," "fire," I think, are applied to them, in going through a variety of different evolutions. That was for what purpose? I know it has been said, because it was in evidence in a former case, that this meeting was merely for the purpose of enabling the individuals to march regularly and orderly, in the way in which regular troops march; but there is a person of the name of Shawcross there, and another of the name of Murray there; and they are both of them ill-used. Why should they be ill-used if that was an innocent description of drilling. The character therefore of the drilling, was a material thing to be taken into consideration, in forming a judgment of the character of the meeting at the place in question; and the numbers of those persons are material to the circumstances of the meeting. It appears in evidence in the case, that Murray had been materially hurt; and that when the people were passing by Murray's house, there was a hiss, as if to insinuate what was the impression on the minds of the mob, with reference to that individual; and, as far as I collect from the evidence, at that period of time Hunt was with the party. Therefore the individual who was ultimately to give some degree of direction to the temper of the meeting, at that time exhibits what his temper in that respect is, by his conduct at that particular place. He afterwards goes by the Star, and by the Police Office; and then there is the same con-

duct on the part of the persons who are with him; which has a tendency to shew what is their general temper and feeling at that period of time. They then get to the hustings; and there is what is described as being a tremendous or a terrific shout. That shews great approbation and acclamation on the part of the individuals, who are at the time collected at the place. There had originally been a double row of constables, from the place where the Magistrates met, to the hustings; that was afterwards interrupted. The Magistrates exercising a discretion; which, as it seems to me, they were bound to exercise, at that time issued a warrant; and then it was desirable to know by whom the warrant was to be executed. They give it to a person of the name of Nadin, and Nadin refuses to execute it, because he says the civil power is inadequate to the purpose; and there are many different persons who state that in their judgment, the civil power not only was inadequate for the purpose, but that the attempt would have been a mad attempt. That being the evidence in the case, the military are called. When the military arrive upon the place—upon the field—they are seen, and there is what is described as being a terrific shout. The evidence states that it was observed that some of the people were beginning to waver; and that upon their beginning to waver, Hunt said, “give them three cheers.” That these three cheers were given; and that he made the observation, that this was for the purpose of rallying them; and there were these three cheers given. Some of the witnesses on the part of the defendants, say these cheers had the appearance of cheers of defiance; and it is for the Jury to exercise a discretion what the character of these cheers were. Then the warrant is delivered, so that the military power may act in aid of, and in co-operation with, the civil power. There is abundance of evidence in this case, and I say in this case, for the first time, that without the aid of the military, the warrant could not have been executed. Here is the contradictory evidence as to the manner in which the military were treated in their way towards the hustings; and it appears that they got to the hustings; and that when they have reached the hustings, the individuals who are there are apprehended; and these individuals being so apprehended, the purpose

of the written warrant is answered. But the purposes of the written warrant will be answered, and answered only, provided these persons still remain in custody, and are not rescued; and it may be a matter of prudent discretion, in that case, to consider whether, if there was an appearance of rescue, it would not be in furtherance of the aid of the civil power, for the military to do that which might prevent any such rescue; and whether they might not go on therefore, in order to disperse the mob; and, in dispersing the mob, doing to them no unnecessary degree of injury, and doing no injury to any one who should not resist, and set himself in defiance, and in battle array, against those persons who were attempting to make the dispersion. It appears that it was after that period that the plaintiff was wounded. It is stated in evidence, on the part of the plaintiff, that there was an expression made use of, "have at the flags;" and if the military had done all which was necessary for them to do, and that they had afterwards wantonly, and without any degree of necessity, and for the purpose of gratifying vindictive feelings, made an attack upon the flags; then the character would have presented a very different description from what, in my mind, it appears to do. But there is abundant evidence in the case, that after they had got to the hustings, and after they had surrounded the hustings, there was a continued resistance made to the military, and a continued attack made upon them. And if that was the case, then they might think that it was necessary the people should be dispersed; and that the most effectual way of destroying resistance would be to get the flags into their possession, and to prevent that from being a rallying standard, which otherwise it might be. It therefore seems to me — and I am making these observations with this view, to shew that upon the general issue, the officers and the Yeomanry might be warranted in doing what they did, for the purpose of executing the warrant — for the purpose of destroying the resistance, which, according to some of the evidence in this case, was given to them after the warrant was, in point of fact, executed; and if they did no more afterwards than stand up in their own defence, in opposition to the resistance which was made to them,

that they would be fully warranted in their defence under the general issue in the case. There was another plea also which, as it seems to me, was rightly called to the attention of the Jury; and that was the plea of *sans assault demesne*; for there is very strong evidence in the case, that in that particular part in which this plaintiff was himself placed, there was a great degree of resistance; and if there were the Cavalry and soldiers on the one side, and the mob on the other, then the act of one man in the mob would be the act of all, if the mob was at that time acting illegally; and if any one of them began his attack upon the military, before there was a prior attack by the military, then the military would be at liberty to proceed, in their own defence, against all those persons who were acting in concert with the individual by whom the military was at first opposed. I have stated perhaps at greater length than it was necessary for the purposes of the case to have done, how, as it seems to me, this case was fairly and properly under the consideration of the Jury, upon the general issue. Upon the other special pleas, it appears to me also that there was abundant evidence to go to the Jury, that there was a conspiracy, and that there were the different facts which are stated in the special pleas, in order to constitute the defence, and to make out those different special pleas. There is an allegation in the special pleas, that the plaintiff was requested to depart. Now certainly there was no evidence of a request from any body to the plaintiff, that he should depart; but, as it seems to me, that is not a necessary part of the plea; and it seems to me that independently of any request, and independently of any of the special pleas in the case, there was a complete defence to the defendants upon the general issue, and upon the plea of *sans assault demesne*.

The observations which I have made, have a tendency to shew, that, in my mind, the verdict is in no respect against the evidence; but that on the contrary, it is, from beginning to end, consistent with the evidence in the case. And I repeat, that the evidence, as to many points, is entirely new and extremely strong; so as to remove, and I hope it will effectually remove from many minds which previously did doubt, those doubts which those minds had entertained.

I recollect upon the former trial, there was one particular individual who was called to prove many of those particular points; and he could have been at that time confirmed upon many of those points, as it appears now in evidence he might have been, if the witnesses who were now called, had been called in support of the then case. They were not called; and therefore, at that time, he certainly stood with a great body of contradiction and opposition to his testimony. Upon the whole, it appears to me, that the verdict in this case was warranted by the evidence, and that the direction of the learned Judge is free from all imputation and objection.

Mr. Justice Best.—The observations of my Lord, and my brother Bayley, leave me very little to say. Were not this a case of an extraordinary nature, I certainly should content myself with saying that I agree entirely in that which they have said; but I think this a case in which every Judge is bound to state his opinion, and the grounds on which that opinion has been formed. The application which has been made for a new trial, embraces within it every ground that it is possible to introduce into such a motion; and there does not appear to me to be the least pretence of any foundation for any one of them. The Judge has done wrong, and the Jury have done wrong, as it is said, in every point in which it is possible they can err. Evidence has been excluded which ought to have been received; evidence has been received which ought to have been rejected; the Jury have been misdirected in point of law; and have returned, not an erroneous verdict, but a verdict against evidence; because, as we have over and over again been told, they are a Lancashire Jury. But I say, again, there is not the least pretence, in my judgment, for any one of these objections. It is an action of trespass, brought by an individual who claims a compensation in damages for a wound from a sabre, which he is supposed to have received on the 16th. August, at St. Peter's Field, near Manchester. To this there is, first, the plea of not guilty; upon which all the matter that has been adduced in evidence, might have been gone into; but besides that, there are other pleas which, stripping them of the technicalities, directly raise these questions. First, whether the meeting that was there assembled, was an unlawful assembly; and whether that

which has been done, was done with a view of dispersing the assembly. Next, whether the unlawful assembly, if it was one, was with a view to bring into contempt the Constitution and law of the country, and to bring that about by means of a conspiracy. Next, whether the riot act was read; and next, whether the defendants did that which they did, to protect themselves against an assault which had been first made upon them. These are, I believe, all the questions that can be raised. Whether they acted with more violence than the occasion warranted, is not a question; and the learned Counsel has told us that he advisedly did not raise that question. He did not plead a new assignment; because he wished to try the question which I have stated. The first question therefore as to the admissibility of evidence is this. It is supposed that my brother Holroyd excluded evidence of the wounds of other persons besides the plaintiff, which evidence was necessary for two purposes; in the first place to shew that sort of concert between the defendants which would make each answerable for the acts of the other; and, in the next place, to shew the innocence of the meeting, and the illegal conduct of those who dispersed it. The Counsel for the plaintiff had a right, for both these purposes, to offer some evidence; but what evidence? Not evidence of injury done to any particular individual; but to offer such general evidence, as was calculated to shew the defendants were acting in concert. They had a right to offer such general evidence, if they chose to do that, which, with great deference to them, I say I think they did wrong in doing, for their client. If they chose to meet the defendants' case, they had a right to shew that their meeting was innocent, and that the conduct of those who attempted to disperse it was illegal. Up to that extent they had a right to offer evidence; up to that extent they did offer evidence; and the learned Judge did not prevent them from offering any such evidence; it was received; it has been reported by the learned Judge to us. But they were stopped when they attempted to do that which could answer no other purpose but that of prejudicing the minds of the Jury; they were stopped when they were attempting to shew what, from the violence of the soldiers, were the sufferings of A, B, C, and D, in order that the minds

of the Jury might mistake the simple question they were called upon to decide; namely, what was the compensation due to the plaintiff; and might mix up the sufferings of others with the plaintiff's, and recompense him for the sufferings others had undergone. When this evidence was attempted to be offered, in my opinion, it was most properly rejected; in my opinion such evidence had no reference whatever to any thing to be tried in this cause, and could not be let in, without doing the greatest injustice to those defendants, who might, if the time had not gone by, have been called upon to answer for any injury they did to those other parties. And therefore, it would have been most unjust to have allowed that evidence to be mixed up in this case; to swell the reckoning against them in this case, though they might be called upon to answer the account in another. On that ground therefore, I am clearly of opinion that this evidence was most properly excluded; this particular evidence of the sufferings of particular persons, A, B, C, and D, and so on. And that was the only evidence excluded; for all other evidence was received, although it was never disputed, on the part of the defendants, that, with the exception of the fourth, these three defendants were so acting together that, if they had done any thing illegal, for the act of the one, all three would be answerable.

Then I come to the next question, that evidence has been improperly admitted. What Mr. Evans particularly complains of is, that the police officers were allowed to swear that the town and neighbourhood was in a disorderly state, and that there were treasonable and union societies. I confess I am somewhat surprised, that any gentleman can bring himself to doubt, that under the issues joined in this case, this was not proper evidence. Whether these were legal societies, must depend very much on their objects. A society in one neighbourhood, may be perfectly innocent; but in a neighbourhood in a feverish state, it may be highly criminal. In the next place, whether union societies and treasonable societies were existing in the neighbourhood before, were pursuing the same objects which this meeting appeared to be pursuing, and whether the objects of these societies were the same, was to be collected after the evidence was received; and there was no objection to the

admissibility of the evidence. It appears to me therefore, that as it is necessary to judge of the character of the meeting from all the circumstances connected with it, from that which had taken place before, from the state of the neighbourhood at the time, and from that which took place at the time, it is impossible to form a fair estimate of what the character of the meeting is, without receiving this evidence. The next complaint made is, that persons were allowed to speak of the state of public feeling; and it is particularly complained of that they were allowed to give evidence of what the state of the country was, when Hunt was there, three months before. I think all this extremely important. It is stated in one of these pleas, that the object of this meeting was of a nature to excite terror and alarm. The state of public feeling at the time, was most important with reference to that subject. If the public mind at this time, was in a disordered state, undoubtedly a meeting of this description would be likely to be attended with infinitely more danger, than it might at a time when persons were content with the situation in which they were. Therefore, when judging of the danger or innocence of a meeting, the state of the neighbourhood is the most important circumstance that can be adverted to, to decide whether it is legal or illegal. So also the state of the town, three months before, when Hunt was there; when it is proved the unbounded influence Hunt appears to have had over this meeting. If it was shewn that the appearance of Hunt, whenever he came to the town, agitated and disturbed the people, was it not material to shew (when it is proved Hunt placed himself, according to the statement of the plaintiff's own witnesses, at the head of 60,000, over whom he had an absolute controul; according to the defendants' witnesses 100,000 individuals), how these persons received him before; what was the effect of his appearance in the town before? Was it not most important, in order to judge of the character of this present meeting? I do not think the learned Counsel objects to the drillings; though if nothing is to be given in evidence but what passed at the meeting, the drillings would be equally objectionable. But he does object to what passed at one of them; where a person was extremely ill-treated, compelled on his knees to swear he would

never be a King's man, and never assist a constable, or never be a constable. Undoubtedly, as it was distinctly proved that many persons came from this place of drilling to the meeting, that was important evidence to shew the character and temper of this meeting, and to shew what was the object of the persons there : because, undoubtedly, we have it in evidence that they were drilling. We are told in another part of the speech, that drilling is a perfectly innocent thing. It may be ; it is a very equivocal thing ; and very little evidence would have shewn that it was not innocent. When you are to decide on the character of these drillings, is it not important to shew the language held by those attending on these drillings ? That they were not drilling for amusement or for exercise, which are the only innocent drillings, but that they were drilling in a spirit hostile to the Sovereign, and the Constitution and Government of the country, of which direct evidence is given in this case ; and, in my opinion, it was most essential to the inquiry the Jury were called upon to make in this particular case. It also should be recollected, there is besides, a charge that this illegal meeting was brought about by conspiracy. Beyond all question, all these circumstances are evidence to shew a conspiracy. If you find in different parts of the country, persons acting in the same conspiracy, and manifesting by their conduct, the same common object ; that is evidence to shew a conspiracy. And this was expressly, not only the opinion of Mr. Justice Buller, whose opinion I always mention with great respect, but it is the opinion also of Chief Justice Eyre, who went most strongly against Mr. Justice Buller in the decision in the King and Hardy. In the King and Hardy, Mr. Justice Buller says, " the attorney says, I call this witness, not to speak in particular to the prisoner, but to shew the intention of the mob. On the trial of Lord Southampton, something said by Lord Essex, previous to the prisoner's being there was admitted as evidence. In the cases that have happened in our own time, in Lord George Gordon's case, evidence of what different persons of the mob had said, though he was not there, was admitted." Mr. Justice Grose expressed the same thing. The other Judges differed. Lord Chief Justice Eyre in giving his judgment states that which clearly shews his

opinion would be, that evidence of declarations, of what persons said, of what passed before the meeting, and about the time of the meeting, ought to be received. He says, "it is undoubtedly true that the general plot is to be made out, by proving the transactions of others, to which the prisoner at the bar may not be immediately a party; but then how is it to be proved? Is it to be proved by the mere acknowledgment of these other parties, and so made use of against the prisoner now at the bar? For instance, here is a conspiracy charged. Suppose a witness should come and say, 'I heard Thelwall say that he was engaged in such a conspiracy; and I heard Martin say he was engaged in such a conspiracy; and I heard Margarot say he was engaged in such a conspiracy;' my present apprehension is, that that would be extremely good evidence, personally against the parties who said it, to prove against them individually, that they were concerned in that conspiracy; but that it would be no evidence whatever against third persons as was the case on Lord Strafford's trial. A witness proving that he heard A, B, and C, converse upon the subject of a conspiracy, that is a direct proof that these three persons conspired; and there the conversation of one is evidence against the other, and so on; that is evidence of a transaction, a fact; not hearsay evidence and not evidence of a party's acknowledgment only, inasmuch as it is an acknowledgment by one in the presence of the others, they acquiescing; and therefore becomes distinct and proper evidence." There is a difference therefore between the two learned Judges. Chief Justice Eyre says he does not take it as a mere acknowledgment; he takes it as one of the facts which had a tendency to prove the existence of the conspiracy at this time; and upon that main principle, I say, in this case, though an acknowledgment made by one of the parties in the absence of the plaintiff could not prove the existence of a conspiracy, yet conversations in this sort of way, prove there was something going on amongst those who were passing towards the place of meeting, similar to that which did actually take place; and therefore it shews the views with which the meeting was called, and the views and intentions of those who called the meeting. I state

therefore, that this sort of evidence, as it appears to me, was properly admitted for the purpose of shewing the meeting, which otherwise must have been taken to be innocent, was not innocent; as its numbers rendered it extremely likely to be dangerous and illegal.

The next thing complained of is the misdirection of the learned Judge; who says, if they thought the defendants were acting in aid of the civil officers, they ought to find a verdict for the defendants. And the learned Counsel goes on to add, they were not acting for them unless they were merely attempting to execute the warrant. I cannot agree to this doctrine. If they were acting in aid of the civil officers, in dispersing the meeting, whether they were executing the warrant or not, that is a justification. Therefore, the learned Judge was correct in making use of this language. But they may be acting merely for the purpose of executing the warrant, and do all that was done; as if they were resisted. All they had to do, in the first instance, was to advance and take the persons on the hustings into custody; but if they were resisted, that resistance rendered it necessary that they should do all the acts made the subject of complaint against them. The warrant was not their only justification. They were acting under the authority of the Magistrates, not merely to execute the warrant, but for the purpose of dispersing this illegal meeting. The learned Judge was therefore perfectly correct, when he said if they thought the officers were acting in aid and assistance of the Magistrates, they ought to find for the defendants. The learned Counsel then complains that the learned Judge told the Jury, if the plaintiff was a conspirator, the constables were justified. The learned Counsel says they were not justified in doing that which they did, unless their lives were in peril. I cannot agree to that law. They were justified in what they did, if what they did was necessary to the legitimate purpose they had to perform. And it was not necessary their lives should actually be in danger; it was sufficient if it was necessary to be done, for the purpose of dispersing the meeting. And I state again, it must be taken that was the case on this record; because there is no question raised as to the excess of violence, or that any thing was done, which was not necessary to be done, for the

legal purpose which they had to perform. The learned Counsel then complains, that the learned Judge left it to the Jury, to say whether the assault was proved. This does not appear to me to be misdirection; it is impossible to put it as misdirection. It might be said that it was extraordinary the learned Judge left it to the Jury whether the assault was proved, when there was direct evidence. Still it is no misdirection. The learned Judge was bound, if there was abundance of evidence to prove the assault, to tell them, one of the questions they had to decide was, whether the assault was proved. And when observing on that, I cannot help thinking the plaintiff's Counsel themselves could not have thought they could prove the assault; for if they had, they would have offered evidence of the assault first. They thought the evidence so suspicious, that it was better not present it in a naked form, but surround it with other evidence; so that the meagreness of the evidence to support the assault might not be discovered. And when the cause was summed up, the learned Judge would have neglected his duty, if he had not called the attention of the Jury to the particular manner in which this evidence of assault was presented; and it was afterwards properly made a point of by the defendants' Counsel. There was, undoubtedly, a witness of the name of Prestwich, who saw the cutting on the shoulder; but no medical man was called. The medical man, it was suggested, was dead. But if he was dead, some evidence could have been called to prove he had attended him during his life time; some nurse or servant might have been called to prove he had a wound; and if nobody could be got who had seen the wound when it was fresh, if the wound was of any size, to entitle the party to any damages, it would have left a mark which the plaintiff's attorney might have looked at in the morning, and given at least some evidence of. But there is another thing. If this wound had been given, the coat and shirt which interposed between the sabre and the shoulder would have exhibited some mark; and a better exhibit could hardly be imagined. But nothing of that sort is produced in evidence; and I confess it does occur to me, that the learned Judge did perfectly right in awakening the suspicion of the Jury to a case so proved, so little supported by any other evidence, so directly

contrary to all the other possibilities. The next direction of the learned Judge is, that the drilling was illegal. I have stated already that drillings may be legal; but it is scarcely possible to conceive a case in which they may be legal. Children at school drill, as a good exercise; but not grown persons. I do not think it could possibly be said these drillings were legal, when they took place by night; when that sort of language was used, which is stated to have been used at the time of the drillings. When it is said drillings may be legal, I beg to say it may also be an overt act of high treason: and I think these parties would have had great difficulty, if the case had been presented with the evidence now produced—(and I agree with my brother Bayley that there is an immense difference between the case now reported, and that tried at York,) if it had been presented to a Grand Jury with this evidence, they would have had some difficulty in saying it did not satisfy them, this was an overt act of high treason. It is said, this drilling was for the purpose of enabling a large concourse of people to be at the same spot of ground. This is truly ridiculous. Drilling in no case would be necessary for that; it is a mere pretence. But if it was necessary for that, they need not go to this extent; they need not go to the extent of not merely putting themselves in close order, but up to the full extent, short of having arms in their hands; namely, the act of firing: for several of the witnesses speak of their not only forming in ranks, but of words of command being given, such as “make ready,” “present,” “fire.” This is a species of drilling, which, I state again, as it appears to me, never could have been had recourse to for any innocent purpose. There is also most material evidence on that part of the case from one of the witnesses, who says they were ordered to advance in front; and on the blow of the trumpet, fall on their faces. In drillings of light Infantry—I am not a soldier, but I think it is in light Infantry, they are ordered to advance in front of the line, and in order to enable the line behind them to fire, fall flat on their faces. Whether that is a manœuvre in light Infantry, I do not exactly recollect; but this I know, it is a very useful manœuvre for those who undergo drilling for the purpose of being exercised again where shots are fired; it

is a very effectual way of avoiding them. It appears to me impossible to say this drilling was innocent. If it was not innocent, what is it? We have the key to it in the last witness, that though nothing was to be done at this meeting, yet when their numbers were seen, others would join them; and they should be then enabled to overturn the Government. If the drilling was with that view, it was as complete an act of high treason as ever was committed. For high treason differs from other crimes; it is complete with the intent. He who meditates the overthrow or destruction of the Constitution and Government of the country, requires only a manifestation of the intention which exists in his mind, and his treason is complete. The intention must be manifested by an overt act; but this was an abundant one. It differs from other crimes, because in other crimes the getting near a house is only a misdemeanour; it must be broke open before the burglary is complete. But taking a single step towards the accomplishment of high treason, makes the man's guilt, who takes that step, complete. Therefore, if the drilling was with this illegitimate view; instead of being an act of innocence, it was an act of high treason. For the reasons I have stated, I am decidedly of opinion: there was no evidence received that ought to have been rejected, or that was not properly received; which brings me to the only remaining question, on which I shall trouble the court with a very few observations, namely, that it is a verdict against the weight of evidence. I have already, perhaps, said too much on the subject of the general issue; I will therefore only repeat, that the Jury were warranted, and, in my opinion, were called upon to find the verdict they did find; because the plaintiff had not made out, satisfactorily, his case. But I am extremely glad the Judge had the patience, in this case, to hear all the evidence that we have heard read; in order that all the honest part of the community may be satisfied what are the merits of this case. The public are infinitely indebted to the learned Judge, for the sacrifice of time that he made for this most desirable purpose. I say the Jury ought to have found the verdict they did. Is there any man who can doubt that this was an unlawful meeting? Is there any man who can doubt that this was a traitorous assembly? I do not mean to say that all assembled there were guilty of treason,

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but the leaders were guilty of treason. I think we can hardly find it necessary to travel to the defendants' case, for the purpose of shewing, at least that it was a most illegal meeting. Let us hear what Mr. Hunt himself says. It was, he says, a "tremendous meeting." What does he mean by tremendous meeting? What other construction can be put upon it, but that it was a meeting of that size that was calculated to create alarm; that it was a meeting of that size, that every man in his senses must see it was out of the power of the civil authority to control. Is it possible any man can say that a meeting out of the power of the civil authority to control, can be a safe and proper meeting? Let us hear what one witness called by the plaintiff says. Mr. Stanley, the Clergyman, spoke of a shout, and he said "it was so-etched with fearful animation; it was not like the first, — it was tremendous." Is there any man in his senses can say after that, this was a safe and innocent meeting? Can any man say this was not a most dangerous and terrific meeting? What does all the evidence on the part of the defendants prove? That this meeting was prepared; that preparations were made for this meeting, by the assembly of the persons drilling. I have already stated it appears these drillings could not be innocent. The persons who went to this meeting, some of them are heard to state that they had bad clothes; that before a few hours they should have good clothes; that they should, within a few hours, indulge themselves by entering into houses; they would march on to London, and possess themselves of what property they found in their way. Is there any man in his senses can say, that a meeting composed of from 60,000 to 100,000 men, many of whom entertained these dispositions, could be a legal meeting? It is not necessary, for the purpose of shewing it was illegal, to decide whether immediate mischief was to be then begun. I believe many went there without that intention: but I have had so much experience on subjects of this sort, that I have known this occur; that those who follow, are more in a hurry for execution than those who plan. I think, therefore, it is most probable that which I have stated is correct; at least as far as regards the intention of the leaders. Nothing mischievous was to be done that day; they

were only to ascertain the numbers ; to accustom them to meet in large parties ; to inspire mutual confidence ; to incite others, by the great numbers they presented, to join in the scheme of those who had embarked themselves ; and, at some future day, when the drilling should be more advanced, when, as was said by one of my learned brothers, they should have a trifling addition made to their discipline, by having arms put into their hands, then the mischief was finally to be entered upon. It appears to me impossible any man can read this evidence, with an intention of understanding it, and not say that is the object. If that was the object, it was indeed a tremendous meeting. Every movement of that meeting was calculated to produce the terror that it did produce ; and I think I am called upon to say, in consequence of what was said by Counsel, that not only the county of Lancaster, but the surrounding counties, are indebted for the peace they enjoyed afterwards, to the courage and activity with which the Magistrates dispersed this meeting. I wish I may not be misunderstood. I do not think that it would have led to any extensive bad consequences ; because the Government of this country is too firmly bottomed in the affections of a loyal and generous people, to be shaken by any such attack as this ; but it must have brought great wretchedness on many, and confusion on all. I would not have made these observations, if we had not been told that the conduct of these Magistrates was scandalous ; that it was all trick ; and that they might have dispersed the meeting without the military. That is an assertion directly contradicted by all the evidence, and by common sense. Can 300 men, whatever be their courage, execute a warrant on a man who has the supreme and absolute command over 60,000 ? Then it is said, the constables withdrew, and the soldiers interposed. If the constables could not execute the warrant, or perform their duty, in what other way was it to be done, but by interposing the soldiers ? The warrant was to be executed by the constables ; but the constables could not get to the hustings, because they were surrounded by men linked arm in arm. The constables could not penetrate through the men linked arm in arm ; that was to be broken by the soldiery ; and the soldiery preceded the civil authority, in order that the link might

be broken, and they might be enabled to get to the hustings. It appears to me therefore, there is no foundation for saying, that all this was a mere pretence to let loose the military authority, and draw back the civil power. We have again heard it stated, that 14 persons were killed, and 600 wounded. I have no doubt the learned Counsel has been told that; but I do wish that Counsel would recollect that what comes from them comes with great authority, and has great influence upon the public mind. I wish, therefore, that they would not, without evidence, state any such facts. There is not a *scintilla* of proof of any such thing; on the contrary, all the witnesses say they saw no person whatever killed. With respect to the 600 wounded it is most miraculous: because, undoubtedly, though every witness has now been examined whom it is possible to examine, no such circumstance is stated; though in consequence of the subscription to relieve the wounded, there could be no difficulty in ascertaining, with the greatest precision and minuteness, the exact amount of wounded, and their names. I do really therefore think the learned Counsel should not have stated that there was this sacrifice of human life, and waste of blood, by the wounding 600 or 700, without the least proof, directly in opposition to all the proof that has come under the consideration of this Court, upon this and other occasions. For these reasons, (and I am afraid I have taken up the time of the Court too long,) I am decidedly of opinion, that the learned Judge, in this case, decided with his usual accuracy and knowledge of the law, and that the Jury acted with honour and integrity.

Mr. Justice Holroyd.—I think it right only to add, not only on account of this matter having been so fully gone into by the rest of the Court, but also because the motion has been made upon objections to my admission of evidence, rejection of evidence, misdirection of the Jury, and likewise as to the verdict being against evidence, that at the time of the trial, I was most anxious, as every one who can form a right judgment on the question, I think must, upon a little reflection, clearly see, to do upon the occasion that which was right; both as to the receipt of evidence, as to rejection of evidence, as to the statement of the law to the

Jury, and, as far as lay in my power, that the Jury, in the application of the fact to the law, should exercise their judgment without any restraint. The time previous to the trial gave me opportunities, not only of considering particularly the nature of the charge in the Declaration, and the nature of the defence, as it may appear upon the face of the Pleadings; but the intervals of the trial gave me likewise opportunities, which I did not lose, of considering the different bearings of the case as the cause went on; and the different objections that were, from time to time, made upon it. Upon the best reflection, and upon considering it in the different views in those intervals, upon the best conclusion I could come to, I formed my conduct at the time. I thought, at the conclusion of it, that I had come to that decision that was right. But, however my wishes might be, it was probably otherwise. Considering the subject since, I see no reason to change that opinion; and I am confirmed in it, as it appears, by the judgment of the Court. I would only say, with respect to the verdict, that it appears to me to be a proper verdict. It is a verdict that upon the evidence, if I had been upon the Jury, I should have thought myself bound to have come to. I think it is not only the proper verdict, but the contrary verdict would not, by any means, have been warranted by the evidence. And I think it right, likewise, to state that I concur with the rest of the Court in thinking, and it appears I think most abundantly by the evidence, that there was great anxiety on the part of the Magistrates, from time to time, and during the whole course of the proceeding, to do that which was right; and, as it appears to me, to prevent mischief. And the evidence appears extremely strong as to the necessity of calling in the military, in order to execute the warrant; and I think that appears most abundantly from the circumstance of the evidence which has been given by the officers and the privates, together with others, of the regiment of the Huzzars; and there are several different witnesses who speak as to the separation of the Yeomanry Cavalry, and their being insulted by the mob, and an attack made upon them. I say their evidence goes strongly to shew, that not only military force was necessary

to execute the warrant, but that if the Yeomanry had been left to themselves, and further military aid had not arrived, the aid of the Yeomanry would not have been sufficient for the purpose. I think it right to add thus much : further, as the matter was before myself, I think unnecessary on the present occasion.

Mr. Justice Best.—I stated that no person was killed. I recollect there is evidence that there were two persons found dead.

Lord Chief Justice.—To prevent any misconception of any point that has been passed over in silence, I wish only to say this. It is by no means to be taken for granted, that it is lawful for the subjects of this country to practise military manoeuvres and exercises, under leaders of their own, without authority. It is not to be taken for granted that is law. I believe, on investigation of the subject, it will be found not to be law. I pronounce no opinion upon it. I only mention it, the subject not having been particularly adverted to by any of us.

Rale refused.

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